Guidelines
for Integrated Border Management in the Western Balkans

Updated Version
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Executive summary

The *Guidelines for Integrated Border Management in the Western Balkans* were first established by the European Commission (EC) in October 2004, aiming to provide a basis for consistent implementation of border management-related activities in the Western Balkans. The present updated version was drafted in the framework of the Community Assistance for Reconstruction, development and Stabilisation (CARDS) regional integrated border management (IBM) project "Support to and coordination of IBM strategies". This version follows the overall structure and content of the 2004 *Guidelines*. The *IBM Guidelines* are of a technical nature and aim at:

- Defining the concept of IBM
- Providing practical examples of implementation of IBM
- Providing guidance on the framework for the establishment of national IBM strategies and action plans by a coordination group of all agencies involved in border management

The *Guidelines* define the EC IBM concept for the Western Balkans as follows: "IBM covers coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and integrated border management systems, in order to reach the common goal of open, but controlled and secure borders".

Following the introduction of the IBM concept, **PART I** describes the three pillars of IBM (intra-service, inter-agency and international cooperation and coordination) that form the basis of the IBM concept. While **intra-service cooperation** describes the cooperation and coordination of the different levels of hierarchy within an agency or ministry, **inter-agency cooperation** deals with the cooperation and coordination between different ministries and agencies and **international cooperation** includes cooperation and coordination with agencies and ministries of other states or international organisations.

PART II presents the main agencies in the field of IBM. **Border guards, customs, phytosanitary inspection services and veterinary inspection services** are introduced by presenting: a) the main legal documents governing b) the main responsibilities; and c) the institutional framework of these agencies; while d) fields of cooperation with regard to their duties in the field of border management are introduced in a general way. The last section of this part introduces additional actors – both state and non-state actors – who, due to their responsibilities, have additional impact on border management.

The essence of the Guidelines, that is, **the concept of IBM – cooperation and coordination in practice** – is outlined in **PART III.** The main focus is placed on the above-mentioned main actors. Following the "three pillars" model, the description of each pillar offers theory, practical answers and examples on the following sub-chapters:

- *Legal and regulatory framework* describes the necessary legal basis for the implementation of coordinating structures for cooperation.

- *Institutional framework* outlines the organisational setting needed to introduce the IBM concept.
- *Procedures* in the context of the *Guidelines* refer only to procedural issues of coordination and cooperation in the field of the above-mentioned three pillars.
- *Human resources and training* deal with recruitment and educational/training issues in the framework of coordination and cooperation.
- *Communication and information exchange* provides guidance on how best to create standardised and efficient exchange and flow of relevant information.
- *Infrastructure and equipment* complements each chapter by indicating the necessary equipment for supporting cooperation and coordination at all levels.

Cooperation with other actors is addressed in **subchapter III.4**, focusing specifically on cooperation and coordination with the police force, prosecutors, carriers/operators, authorities involved in trade facilitation and the public.

Issues of migration, visa and asylum, data protection and risk analysis are dealt with in a separate chapter – **PART IV, Issues of special concern** – reflecting their importance and their cross-cuting nature relevant for all parts and levels of the IBM concept.

The last part of the *Guidelines* – **PART V, Development of national IBM strategies and action plans** – provides guidance on how best to strategize the approach towards integrated border management at the national and international levels. Forms and templates should assist the practitioner, agency and inter-agency body in designing a clear road map for implementation. A sub-chapter on evaluation and review adds information on how best to monitor the implementation process.

A list of references and annexes, including some practical templates and information sheets, complete the contents of the *Guidelines*.

By including **good practice examples** from Member States of the European Union (EU), as well as examples from the Western Balkan countries, the *Guidelines* address the clear need for a **more practical tool** for the implementation of IBM. The examples of good practice (marked "👍 **Good practice")** illustrate how states are dealing with certain issues in a successful way through the implementation of certain components of IBM.

Finally, it should be stressed once more that the present *Guidelines* are an updated version of the original document released in 2004. The update complements the original version and increases its practicability and readability without changes to the goals and substance of the original version.

Consequently, strategies and action plans that are in line with the October 2004 version of the *IBM Guidelines* do *NOT* have to be revised. The update aims at further clarifying and facilitating the implementation of IBM in the countries of the Western Balkans.

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List of abbreviations

AAD	accompanying administrative document
AFIS	Automatic Fingerprint Identification System
BCP	border crossing point
BIP	border inspection post
BOMCA	Border Management Programme for Central Asia
BSE	bovine spongiform encephalopathy (mad cow disease)
CADAP	Central Asia Drug Action Programmes
CAFAO	customs and fiscal assistance office
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CAS	Customs Administration of Serbia
CAU	central analysis unit
CCP	common contact point
CCPD	centre de cooperation policière et douanière (customs and police cooperation centre)
CIS	criminal intelligence system
CEFTA	Central European Free Trade Agreement
CEN	Customs Enforcement Network of the World Customs Organisation
CIBMS	Common Integrated Border Management System
CM	common manual
CSI	container security initiative
CVED	common veterinary entry document
EC	European Commission
EEC	European Economic Community
EPPO	European and Mediterranean Plant Protection Organisation
EU	European Union
EURODAC	System for the Comparison of Fingerprints of Asylum Applicants and Illegal Immigrants
FAO	Food and Agriculture Organization of the United Nations
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
HRM	human resource management
IBM	integrated border management
ICMPD	International Centre for Migration Policy Development
ICS	in-land control station
IFI	international financial institutions
ILO	intelligence liaison officer
IPA	instrument for pre-accession assistance
IT	information technology
ITA	Independent Tax Authority (Bosnia and Herzegovina)
LO	liaison officer
MCA	Montenegro Customs Administration
MIP	Multi-Annual Indicative Programme
MoU	memorandum of understanding

NCB	National Central Bureau (Interpol)
NGO	non-governmental organisation
OC	operational centre
OIE	World Organisation for Animal Health
OLAF	Anti-Fraud Office (European Commission)
SAA	stabilisation and association agreement
SAD	simplified accompanying document
SAP	stabilisation and association process
SARS	severe acute respiratory syndrome
SBS	State Border Service (Bosnia and Herzegovina)
SCD	single customs declaration
SCH	Schengen
SECI	South-East European Cooperative Initiative
SIS	Schengen Information System
SU	search unit
TIR	Convention on the International Transport of Goods under Cover of TIR Carnets
ToR	terms of reference
TRACES	Trade Control and Export System
WCO	World Customs Organisation
WHO	World Health Organization
WTO	World Trade Organization

Glossary on Integrated Border Management

action plan: a work plan indicating which specific actions have to be taken by which actors in order to reach the goals as defined in the strategy.

benchmark: in the context of European Union (EU) monitoring, "benchmark" means comparison of working methods based on significant figures concerning number of cases, number of staff, average time for single working cases and quality of output.

In the framework of project documentation, "benchmarks" refer to major steps/outputs to be completed before the next project phase starts.

border control: an activity carried out at a border in response exclusively to an intention to cross that border, regardless of any other consideration. It covers: (a) checks carried out at authorised border crossing-points to ensure that persons, their vehicles and the objects in their possession may be authorised to enter the territory of the Member States or authorised to leave it; and (b) surveillance of borders outside authorised border crossing-points and fixed hours, in accordance with this regulation, to prevent persons from by passing border crossing-points in order to avoid checks and enter or leave the territory of Member States illegally.

border crossing point: any crossing-point – at land, sea or air borders – authorised by the competent authorities for crossing external borders.

bottom-up and top-down information flow: describes the information flow within a given organisational unit starting at either the central or the operational level, as well as within hierarchical structures from operational to political level (bottom-up) or from political level to operational level (top-down).

carrier: any natural or legal person whose job it is to provide passenger transport by land, sea or air.

chapter 24: negotiation chapter on justice and home affairs (including customs cooperation in the field of enforcement) (European Union)

checks at external borders: all operations carried out by official authorities in the Member States at border crossing points to ensure, pursuant to article 6 of the Schengen Convention, that persons, their vehicle and objects in their possession can be permitted to enter or leave the common area of freedom of movement.

controlling: steering, decision-making and evaluation of specific processes in a given organisation, as regards organisational developments, staffing or the financial matters of that organisation.

cruise ship: a ship that follows a given itinerary in accordance with a predetermined programme, whose passengers take part in a collective programme of tourist activities in the various ports and which normally neither takes passengers on nor allows passengers to disembark during the voyage.

database: automated collection of data that can be analysed electronically.

delimitation/demarcation: in order to be able to recognise the beginning/end of the area of application of national laws the state border must be: (a) clearly defined and agreed (delimitation); and (b) commonly marked (demarcation) by border stones and border-signs in order to make the general public properly aware of it.

early warning system: in the context of IBM, this refers to a system to transmit and receive relevant information on expected or already ongoing movements of persons or goods to provide pre-arrival information and – where necessary – also facilitate timely preparation for interception. Also applicable for export and transit reasons. Early warning systems for other services pertain to information on animal, plant and public health risks.

EU *acquis communautaire*: all legal instruments of the European Union/European Community, which have to be legally and/or operationally implemented by Member States, as well as accession countries according to an agreed plan before accession or within a certain time frame after accession.

EU good practices: The EU distinguishes between written legal provisions, (e.g. communications, common measures, regulations and directives, agreements, Council resolutions and Council decisions) and good practices that have been developed in specific areas, countries and/or fields of work. These practices have been commonly agreed as good practice within the EU, with the aim of harmonising procedures at a very high level. Good practices are not legally binding. (Examples are the Guidelines of the Commission on risk analysis in the customs field and the Schengen Catalogue on good practices for external border control (to be replaced by the common catalogue), re-admission, Schengen Imformation System –Suplementary Information Request at the National Entry (SIS-SIRENE), police cooperation and visa matters).

external borders: the Member States' land and sea borders and their airports, sea ports and lake ports, provided they are not internal borders.

gaps and needs analysis : analysis of the current situation and ongoing measures, with the aim of detecting areas where further action is considered necessary in order to reach given objectives and standards.

IBM strategy: a catalogue of the political and operational objectives a country wants to reach in order to establish a more comprehensive, effective and efficient system of border management.

internal border:

(a) The common land borders between the Member States;
(b) The airports of the Member States for internal flights;
(c) Sea and lake ports of the Member States for regular ferry connections.

internal flight: any flight exclusively to or from the territories of the Member States and not landing in the territory of a third State.

internal security in the common area of freedom of movement: level of protection enjoyed in the area of freedom of movement by natural persons and bodies, corporate entities, goods and properties of all kinds, capital, the provision of services and all lawful commercial transactions, as well as intellectual and artistic property rights, against attacks on their interests or threats to their integrity caused by: (a) failure to comply with Community or national regulations; and (b) crime, terrorism, trafficking in human beings, crimes against children, trafficking in arms, corruption and fraud, as understood in article 29 of the Treaty of Union, as well as traffic in narcotic drugs.

Laufzettel/routing slip: numbered checklist for cargo vehicles at customs offices at the border (common offices) with boxes to be ticked off for every control measure (border guards, customs, veterinary and phytosanitaryservices and possibly the authorities of the other country) and signed by the controlling officer, given to the driver at the entrance point and collected and controlled at the exit point, to ensure that the driver and the truck have undergone all the necessary controls.

management of external borders: the activities carried out by public authorities of the Member States in order: (a) to carry out checks and surveillance at external borders provided for by articles 5 and 6 of the Schengen Convention; (b) To gather, analyse and exchange any specific intelligence or general information enabling the border guard to analyse the risk that a person, object or asset constitutes for the internal security of the common area of freedom of movement, law and order or the national security of the Member States, and for general compliance with Community legislation; (c) To analyse the development of the threats likely to affect the security of the external borders and to set the priorities for action by border guards accordingly; (d) To anticipate the needs as regards staff and equipment to ensure security at external borders.

mobile unit: control composed – due to foreseen tasks – of representatives of one or more agencies involved in border management to carry out inland surveillance and/or surveillance between border crossing points.

operational objectives: defined outcome to be achieved by a specific action or set of actions.

operational plan: detailed plan for specific tasks of organisations and units.

persons enjoying the Community right of free movement:

(a) Union citizens within the meaning of article 17(1) of the EC Treaty and third-country nationals who are members of the family of a Union citizen exercising his or her right to free movement to whom Directive 2004/38/EC of 29 April 2004 applies;

(b) Third-country nationals and their family members, whatever their nationality, who, under agreements between the Community and its Member States, on the one hand, and these countries, on the other, enjoy rights of free movement equivalent to those of citizens of the Union.

pre-frontier-area: countries of origin and transit. Part of the EU four-tier model for border control (see annex IV). The model, which is part of the Schengen Catalogue on good practices for border control, states that effective controls must: (a) already start in the pre-frontier-area; (b) must then move on via international border cooperation; (c) then towards border control at the actual border; and (d) finally to inland controls inside the territory of the Schengen states.

process analysis: evaluation of work flows and information flows within an organisational unit, an administration or between agencies.

register: collection of data that are not processed automatically or that cannot be analysed electronically.

risk analysis: evaluation of the probability of non-compliance with legal provisions; possible *ex ante* (before preparing an action) and *ex post* (after action) in all fields.

round table: meeting of experts from different sectors/countries on a specific topic.

stand-alone computers: personal computer not integrated into a network.

stand-alone databases: databases not accessible on line.

security at external borders: capacity of the external borders to constitute a barrage, or at least a reliable filter, for the Member States against potential threats to:

(a) The effectiveness of checks and surveillance;
(b) Compliance with Community or national regulations;
(c) The level of internal security in the common area of freedom of movement;
(d) Law and order or the national security of the Member States, except as regards the military defence of the external borders of the EU against aggression where one or more third countries commits it openly or claims responsibility for it.

surveillance at external borders: all activities and operations carried out by official authorities in the Member States at external land, sea and air borders to prevent, pursuant to article 6 of the Schengen Convention, persons from circumventing the official border crossing points in order to evade checks and illegally enter the common area of freedom of movement.

task force: organisational unit established solely to carry out tasks to reach a specific objective, usually within a given time frame.

third-country national for whom an alert has been issued for the purposes of refusing entry: any third-country national for whom an alert has been issued in the Schengen Information System for the purpose of refusing entry in accordance with article 96 of the Schengen Convention.

training curriculum: education/training plan designed for specific target groups and specific fields of work. As an example, the EU "core curriculum" for border guards is a plan agreed upon at the EU

level and consists of a set of modules considered necessary for the training of border guard officers.

training manuals: booklets designed on the basis of the relevant curricula in order to ensure proper implementation of the goals and objectives in the corresponding training curriculum.

Introduction

The present document constitutes an update of the ***Guidelines for Integrated Border Management in the Western Balkans,*** which were established in October 2004 as a Commission staff working document of the European Commission (EC), defining for the first time the EC concept of integrated border management (IBM) in external assistance. The aim of the document was to serve as a basis for a consistent implementation of border management - related activities in the Western Balkans. Relevant EU regulations and good practices of Member States were taken into consideration, as well as the experience gained from the enlargement process. As regards candidate countries preparing for accession to the European Union, the requirements laid down in the Schengen *acquis* on external borders always take precedence over the present guidelines.

The **updated *IBM Guidelines*** take into account lessons learned during more than two years of practical implementation of IBM in the region. They also respond to one of the main challenges encountered during the implementation process: the different interpretations and definitions of IBM used by various international and national stakeholders, leading (in some cases) to confusion and inconsistencies in approach, as well as to contradictory messages. It must be stressed that IBM encompasses both security aspects and aspects of facilitated movement of persons and trade and, therefore, by definition, cannot refer to one agency alone.

The EC IBM concept for the Western Balkans covers coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation in order to establish effective, efficient and integrated border management systems in order to reach the common goal of open, but controlled and secure borders.

To ensure that the IBM strategies and action plans in the Western Balkans are consistent and compliant with the above concept of IBM, the regional Community Assistance for Recomstruction, Development and Stabilisation (CARDS) programme "Support to and coordination of IBM Strategies in the Western Balkans"[1] was launched in 2005. The main objective of this project was the provision of technical assistance, specifically to support Western Balkan countries in the development or updating of their national IBM strategies and action plans in line with the *IBM Guidelines*. An update of the *IBM Guidelines* for the Western Balkans was one of the key components of the programme. The present document presents the results of those efforts. While the original document has been restructured and enhanced in many ways, it is, however, important to note that the underlying principles remain the same and will not require a redrafting of existing national IBM strategies and action plans, provided they are in line with the original version of the *Guidelines*.

The *IBM Guidelines* are intended to support the implementation of national projects in the field of IBM and to assist national authorities in further improving their IBM strategies and action plans. By following the *Guidelines*, the partner countries will ensure that the policies

[1] Carried out on behalf of the European Commission from January 2005–December 2006 by a consortium led by the French Ministry of the Interior – Service de Coopération Technique Internationale de Police (SCTIP) in consortium with the French Ministry of Foreign Affairs - France Coopération Internationale (FCI), the Austrian Ministry of Finance - Agency for European Integration and Economic Development (AEI), the International Centre for Migration Policy Development (ICMPD) and the Organisation for Security and Cooperation in Europe (OSCE).

and projects subsequently developed are fully in line with EU standards, which specifically support their progressively closer association and, at a later stage, accession to the Union.

Efficient and effective border management will enable citizens to live in an area of security and freedom where they can travel more freely and where cross–border trade will be facilitated, all of which are key prerequisites for economic growth and poverty reduction. Enhanced cross-border flows will also support the development of more open societies with a better understanding and tolerance of their neighbours and their cultural, religious and linguistic differences. At the same time, threats related to abuse of malfunctioning border management systems, such as smuggling of goods and trafficking in human beings, drugs and arms, can be more effectively addressed if authorities responsible for the management of state borders improve their communication, exchange of information and overall cooperation.

The *IBM Guidelines* are of a technical nature and should be viewed as a working tool, providing guidance on how to enhance cooperation and coordination at various levels. They should not be seen as detailed technical specifications on how to develop the individual border management systems in the countries of the Western Balkans. Rather, they should be regarded as a useful basis and supporting document when developing national IBM systems. The document neither claims to be exhaustive as regards the objectives of a national IBM strategy nor will all the principles embodied in this document have the same applicability and importance in each of the countries in the Western Balkans. Thus, even though the respective IBM strategies and action plans should ideally be in accordance with the IBM concept described in this document, they will necessarily need to be adapted to the national context in each country in their actual formulation.

Development of the Guidelines

The EU IBM concept for the Western Balkans was first mentioned in the CARDS regional programme for the Western Balkans: multi-annual indicative programme (MIP) 2002 – 2006 by pointing out that "a more integrated and all encompassing approach to border management is the only way forward because the problems are so interlinked that they cannot be effectively tackled separately".

Following an extensive internal and external consultation process within the EC, the Guidelines for Integrated Border Management in the Western Balkans have been endorsed by all relevant line directorates general - External Relations, Justice and Home Affairs, Taxation and Customs Union, Health and Consumer Protection - as well as EuropeAid in 2004. Consequently, they were released by the EC as a Commission staff working document and forwarded to the authorities (at the ministerial level) of the Western Balkan countries in October 2004, inviting them to make use of the *Guidelines* when establishing a national strategy for IBM. It was highlighted by the Director General of the Directorate General for External Relations and the EuropeAid Cooperation Office that the strategic documents should ensure overall coherence and compliance with the EC concept in the definition and implementation of specific projects.

In addition to the practical part on IBM, the document also provided guidance on the framework for the establishment of national IBM strategies and action plans by a coordination group of all agencies involved in border management.

Updated IBM Guidelines for the Western Balkans

The experience gained in the implementation of the *IBM Guidelines* and the development of IBM strategies and action plans served as the basis for the current update. The main changes between the 2004 version and the current one can be described as follows:

a) Thanks to the inclusion of good-practice[2] examples from EU Member States, as well as local examples from the Western Balkan countries, the current updated version of the *Guidelines* addresses the clear need for **a more practical tool for the implementation of IBM**. The good-practice examples (marked "👍 **Good practice")** should illustrate how other states deal with certain issues in a successful way and provide practical examples of implementation of certain elements of IBM;

b) Changes in the structure. In order to improve the readability of the document, the main chapters were divided into six main parts. While the structure of the first version is maintained, the following new chapters have been added:

(i) The **newly introduced** ***part II Main agencies in the field of integrated border management*** presents in a general way the main agencies involved in IBM: border guards, customs, phytosanitary inspections and veterinary inspections as well as other (state and non-state) actors;

(ii) The **newly introduced** ***part III.4, Cooperation with other actors,*** is devoted specifically to those other actors;

(iii) ***Part IV Issues of special concern,*** specifically addresses cooperation in the field of visas, migration and asylum as well as cross-cutting issues such as data protection and risk analysis. Especially in case of the latter two topics, the change to the separate ***part IV Issues of special concern,*** should reflect their importance for all parts of IBM;

(iv) Finally ***part V Development of national IBM strategies and concepts,*** clearly outlines national strategy and action plans and includes a **new chapter on *monitoring, evaluation and review*.**

(c) Some **sub-chapters** have been renamed in order to better reflect the content, including:

(i) "*Management and organisation*", renamed "*institutional framework*";

(ii) IT-related information divided between the chapters entitled "*communication and information exchange*" and "*infrastructure and equipment*".

In past years, most Western Balkan countries have developed IBM strategies and related action plans. Hence, the **added value of this new version of the *Guidelines* is to provide more practical examples** on the implementation of the strategies, that is, specific implementation/application of IBM in each of the countries. The aim of the present update is

[2] The *Guidelines* use the term "good practice" instead of "best practice" because of its more general nature. "Best practice" implicates an absolute character, while good practice examples offer ideas for the possibility of tailor-made solutions concerning the regional administrative culture and needs. Nevertheless, an inclusion of "good practice" examples is also accompanied by the danger of not mentioning all "good practices" running successfully in different countries and, further, "good practice" examples may not always be transferable to every other country. Therefore, if the *Guidelines* highlight "good practices", this does neither necessarily mean that only this particular example exists, nor does it imply that all countries have to implement exactly this particular practice.

neither to alter the structure of the initial document, nor to substantially amend the first version, but merely to further clarify the concept of IBM in a more comprehensive manner. One can reasonably expect that measures already taken by the Western Balkan countries to implement the IBM concept that were in line with the *Guidelines* will be further completed and enhanced. The update of the *Guidelines* also reflects its nature of being a "living document". Further updates in the future may therefore be envisaged.

The current update does NOT change the substance of the *IBM Guidelines* of 2004!

Consequently, strategies and action plans that are in line with the 2004 version of the *IBM Guidelines* do NOT have to be revised. The update merely aims to further clarify and facilitate the implementation of IBM in the countries of the Western Balkans.

PART I.
THE CONCEPT OF INTEGRATED BORDER MANAGEMENT

I. 1. A variety of actors: a common goal

A variety of actors are involved in tasks related to the management of state borders in every country. While they clearly have a different focus and thus different objectives depending on their responsibilities and powers, they all work towards a common strategic goal.

Traditionally, the strategic goals at the state level in relation to border management lie in the protection of the borders against threats to national security, the national economy and public health, but also in the prevention of cross-border criminal activities and unlawful entry into or exit from the state. Border services, including border guards as well as customs, veterinary and phytosanitary inspection services, all play an important role in this regard.

Border services are obliged to ensure the security and health of people, animals, plants and cultural heritage. As the potential threats are numerous, **an expeditious** and at the same time **effective control system is required**, of which the management is accordingly complex. On the other hand, increased international trade and tourism, as well as the increase in cultural and educational exchanges make the **facilitation of licit movement of persons and goods** also an important strategic goal of most countries. Border services are therefore forced to strike a delicate balance between strict controls concerning risks and fully open borders.

In order to balance these **twin goals of modern border management – that is, border security and facilitated movement of persons and goods –** in an efficient and effective manner, appropriate equipment and well-trained and motivated staff are as important as a strong legal basis, a **clear division of tasks** and responsibilities, **streamlined processes** and an **efficient exchange of information**. Taking into account the complexity of the task, this cooperation and coordination should not only be limited to the units within one ministry or agency, but should also occur both between all actors involved in border management within a certain country and at the international level. Most importantly, the services need to realise that they have common objectives and tasks, and that their individual objectives can only be reached by frank communication and by working together.

I. 2. The European Union and integrated border management in the Western Balkans

In view in particular of the considerable allocation of funds for the development of border services in the Western Balkans under the CARDS programme,[3] the IBM concept has attracted renewed and more intense attention and there has been a need to develop a more specific approach for IBM in the Western Balkans.

The principle of IBM can be summarised as:

> **National and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and integrated border management systems, in order to reach the objective of open, but well controlled and secure borders.**

Efficient border management and real border security are essential for individual countries and, in a globalised world, also for the EU itself. The EU is committed to work with all countries to achieve the core objectives of IBM.

The establishment of well functioning IBM systems is an important element for candidate and potential candidate countries for their alignment with EU *acquis* and good practices, which leads the countries in the Western Balkan region towards European integration.

It is critical for **borders to be open for trade and the movement of persons**. They have also to be open for regional cooperation, a cornerstone of future integration and membership in the EU. They have to be open both within the region and also between the region and the EU. The facilitation of regular cross-border flows enhances the economic development of the whole region. Free trade and the movement of persons are key elements of the stabilisation and association agreements (SAA).

Borders must be closed to criminal activities and any other activity that endangers stability in the region. Smuggling and trafficking of all kinds, illegal migration, terrorism and organised crime have to be tackled throughout the region and especially at the border crossing points (BCPs). Closed borders help to prevent the extension of crime abroad, to deny impunity to criminals and to reduce their profits. The fight against crime, strengthening of justice and home affairs institutions and the establishment of the rule of law are fundamental to the countries' progress towards European integration.

The EU has moved the control of internal flows of goods and persons **from internal BCPs to services within the territory of each EU Member State**. The lifting of internal border controls does not, however, affect the normal police control in the territory of the Member States. At the same time, the EU has defined the rules and standards that should govern the crossing of the Union's external borders. The still developing system for managing the EU

[3] The Instrument for Pre-Accession Assistance (IPA) will supersede the five previously existing pre-accession instruments, PHARE, the Instrument for Structural Policies for Pre-Accession (ISPA), the Special Accession Programme for Agriculture and Rural Development (SAPARD), the Turkey instrument and CARDS, thus uniting under a single legal basis all pre-accession assistance.

external borders consists of rules, good practices and recommendations. These are relevant for the countries of the stabilisation and association process (SAP) in so far as they make provisions for ways to address their operational needs and at the same time to ensure the countries' further integration into the EU. The recent enlargement of the EU brought the external borders of the Union directly towards the state borders of the region and all countries in the region (except Bosnia and Herzegovina and Montenegro) are now directly confronted with neighbours implementing EU rules with regard to the flow of goods and persons.

I. 3. The three pillars of the integrated border management concept

The key aspects of the IBM concept are cooperation and coordination. Both are taking place at different levels:

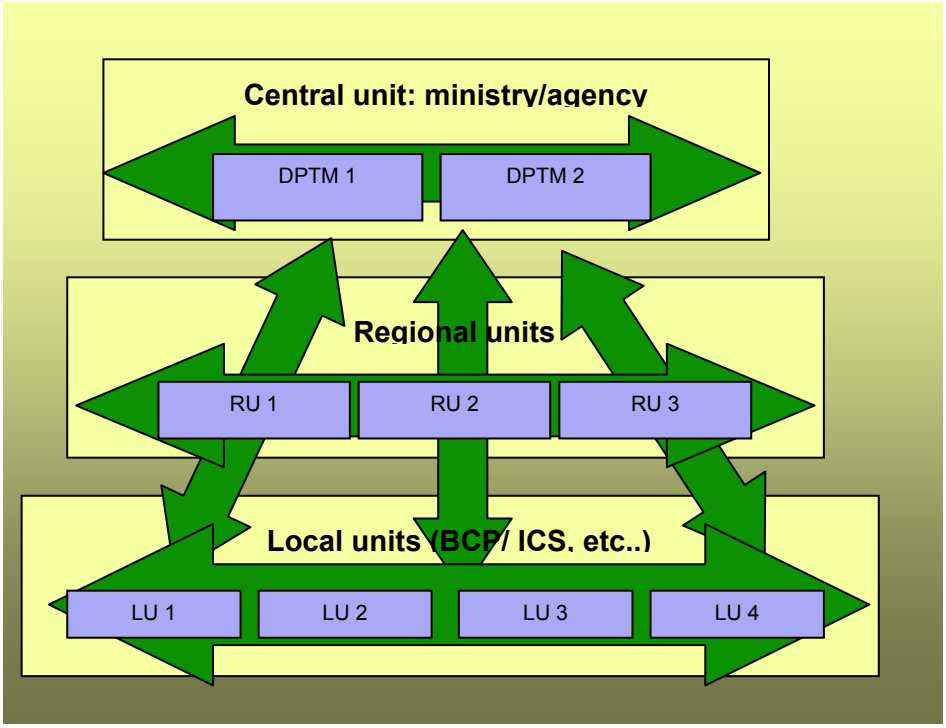
- Intra-service cooperation
- Inter-agency cooperation
- International cooperation

I.3.1. Intra-service cooperation

Intra-service cooperation refers to **cooperation between units within a state body**: both the **vertical aspect** of intra-service cooperation between the different administrative levels from the state body to the units working at the borders and the **horizontal aspect** of cooperation between the various BCPs as well as inland control stations should be taken into account.

Examples include the top-down information flow from a central level to the BCPs in providing information on new regulations, as well as the cooperation between border veterinarians and inland veterinary authorities in order to facilitate the secure transhipment and transit of veterinary consignments. Information gathered at BCPs and green/blue borders needs to be forwarded to the central level and the results of the analysis of information gathered should be fed back to the local level to further improve operations.

Figure I: Intra-service cooperation



When talking about intra-service cooperation, it thus refers to interaction between:

a. The different administrative departments of a ministry or agency at headquarters;
b. The ministry/agency and regional centres;
c. The ministry/agency/regional centres and the units working at the borders/inland;
d. The various BCPs/border inspection points (BIPs) and in-land control stations (ICSs).

Intra-service cooperation *therefore describes the efficient internal cooperation and management of processes, information and resources within a ministry or agency responsible for specific tasks: (a) Between local, regional and central levels (vertical cooperation); (b) Between different units of the same levels (horizontal cooperation).*

I.3.2. Inter-agency cooperation

Inter-agency cooperation takes a **horizontal approach** based on cooperation and coordination between officers of the different services active at the border (**local level**), as well as among the **regional** and **central** ministries/authorities responsible for those services. This starts with day-to-day operational contact at the BCP (at the formal and informal levels) and extends to the need to coordinate discussions on mid- and long-term strategies between the regional directorates and within and between the ministries.

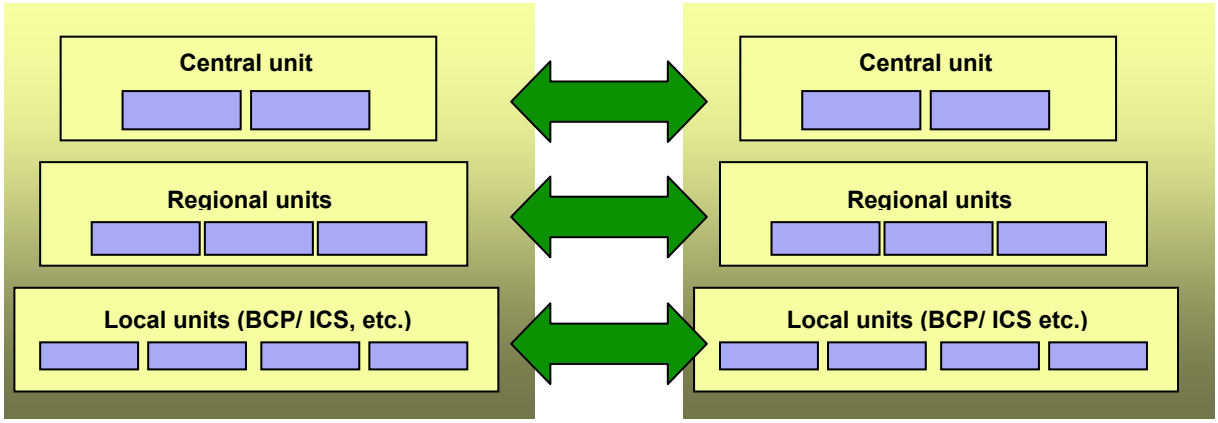
In order to achieve a comprehensive and effective border management system **all authorities** involved in border issues **need to cooperate at the local** (operational), **regional and central levels**. The aim of coordination at the strategic level is to provide a coherent framework for the operational work, avoiding policy inconsistencies. At the local level, more efficient

workflows and regular information exchange should lead to shortened processing times, while at the same time increasing the effectiveness of all services in reaching their individual objectives.

There are three types of inter-agency cooperation at the border and within the country:

- *Coordinated processing at border crossings*. Border and customs control, as well as veterinary and phytosanitary inspections, when present, should be co-ordinated in a professional manner. Controls and procedures, including their, sequence should be clear for all parties, as should the division of responsibility for the different tasks between the respective authorities.
- *Integrated information technology systems.* There should be a realistic needs assessment with regard to the type of information to be exchanged, as well as to which agencies should be included in the exchange system. An important matter to take into consideration is possible cooperation among the various agencies with regard to risk analysis, which needs to be based on reliable and up-to-date information.
- *Awareness-building and joint responsibilities.* Initially focused on increasing awareness with regard to the tasks and responsibilities of other services, this may lead to actual shared responsibilities between agencies in the medium term. For example, border guards and police agencies may undertake joint inland controls combating smuggling and fraud as well as cross-border crime.

Figure II. Inter-agency cooperation



Inter-agency *cooperation therefore describes the cooperation at the border (local level) - at the regional and central level - between ministries or state bodies with different tasks related to border management.*

I.3.3. International cooperation

International cooperation, the cooperation between agencies involved in border issues in different countries, **exists at the local, regional and multinational levels**:

(a) Local cooperation between officials on both sides of the border. This cooperation would **focus on improving day-to-day operations**. It can range from information exchange up to

the flexible solving of possible operational challenges in the interest of the facilitation of legitimate cross-border movements.

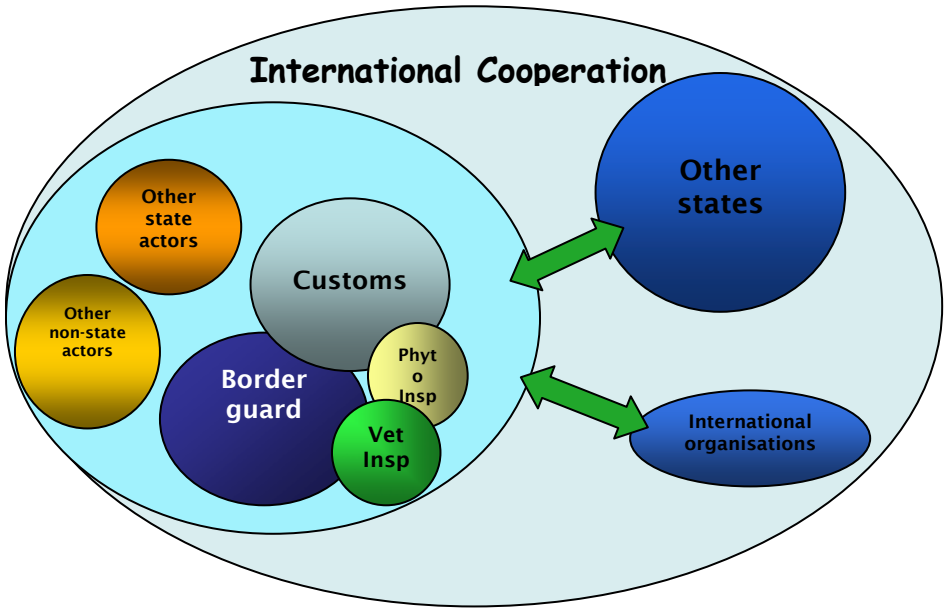
(b) Bilateral cooperation between neighbouring states. Bilateral cooperation **should include meetings between neighbouring countries** at the regional and central levels to discuss matters such as the status of the different BCPs (including prioritisation and working hours), coordination of border patrols on both sides of the border, setting up joint patrols and operations, creation of common contact offices to intensify communication and exchange of information and prepare procedures for emergency situations (e.g. hot pursuits and incidents in the border area), as well as coordination and cooperation of infrastructure questions and the possible creation of back-to-back controls. As a major precondition for border cooperation to be successful, issues of delimitation and demarcation of the borders should be solved on a bilateral basis;

(c) Multinational cooperation, focusing on border management issues. Through multinational cooperation, **information can be exchanged more easily** and regular training seminars can be organised. Common seminars also enhance confidence building and the creation of an informal network of officials of sister agencies, which will be more inclined to contact each other. Multinational cooperation efforts should focus on preparing the countries for possible accession into the various EU systems, such as the Schengen, visa and customs information systems.

Closer international cooperation in the field of border management with neighbouring and other relevant countries is an **effective tool to facilitate trade and address cross-border crime** and irregular migration. This can be achieved, for example, by establishing appropriate working mechanisms and communication channels, local contact points, joint emergency plans or exercises and handling of incidents in a factual manner to avoid political disputes. While the central level will focus on coordination of strategic aspects such as the joint organisation of the protection of the most endangered border sections, cooperation at border crossings focused on operational issues should be carried out on a continuous day-to-day basis.

It should be kept in mind that international cooperation initiatives can also have an inter-agency cooperation aspect, and that at least the ministries of foreign affairs have to be associated in the negotiation process of related bilateral and multilateral agreements. Further inter-agency cooperation aspects of international cooperation, for example, include the possibility of establishing a common contact office for custom and border guard officers from different countries.

Figure III. International cooperation



International cooperation *thus means cooperation:*
- At the local level between officials on both sides of the border
- Between neighbouring states (covering various issues, e.g. from border limitation and border management to the organisation of patrols and the organisation of common contact offices)
- At the multinational level to better approach common fields of work such as transborder crime, irregular migration, trafficking in human beings, terrorism and smuggling of goods.

As can be seen from the examples above on the three pillars, additional complexity is added by the fact that cooperation and coordination within and between agencies should take place at and between the central levels, including national headquarters and ministries, and with the administrative units active at the regional and local levels. While the latter would concentrate on operational cooperation, the former would focus on coordination at the strategic level.

The three pillars of IBM are not strictly divided but have to be understood as cross-cutting issues. An example would be the establishment of joint contact offices, in which both customs and border police representatives could rapidly exchange information with officers from the neighbouring country. This is clearly an issue to be discussed both between the agencies involved and at the international level in order to come to an agreement with the neighbouring country.

The countries of the Western Balkans differ significantly from one another. In particular the presence and role of the international community, the sometimes atypical state structures and evolving institutional (if not constitutional) arrangements may influence the three-pillar approach to the extent that the levels may not always be explicitly identifiable. These differences need to be kept in mind when reading and applying these *Guidelines* in each country.

PART II.
MAIN AGENCIES IN THE FIELD OF INTEGRATED BORDER MANAGEMENT

This chapter briefly describes the main actors typically involved in border issues and their specific needs regarding cooperation and coordination with other services. It is important to keep in mind that the *IBM Guidelines* do not purport to cover in one document all aspects related to the tasks of these actors, but only those aspects which are relevant to cooperation and coordination activities in the framework of IBM.

Apart from close cooperation between embassies and diplomatic missions, work in the pre-frontier area and at the BCPs and police cooperation inland, coordination between border guards and customs, as well as veterinary and phytosanitary inspection services is essential for ensuring efficient and effective border management. For the purpose of this document - as it deals mainly with the crossing of the border - the main focus lies on the agencies mentioned above.

In addition to the main border agencies (border guards, customs service and phytosanitary and veterinary services), there is a **large variety of stakeholders** whose activities and interests also need to be taken into account in an integrated approach towards border management. Some of them are **crucial to ensuring the proper functioning of BCPs**; others require information collected by border guards or customs in order to fulfil their respective tasks or have other stakes in border security or the facilitated movement of persons and goods. The intensity with which these stakeholders work together necessarily varies according to their tasks.

The long list of **governmental stakeholders** may include state bodies responsible for:

- Interior
- Justice
- Finance
- Agriculture
- Health
- Transport, energy and infrastructure
- Foreign affairs
- Economy
- Environment
- Cultural affairs
- Tourism
- Telecommunications
- European integration
- Defence

Airport and harbour authorities and respective security services also have a key role to play in ensuring security, safety and the smooth flow of persons and goods at the main entry points to their country. At the same time, cooperation should also be established with freight forwarders, carriers, railway companies and other relevant interest groups, such as industry and business associations. In addition, civil society, NGOs and the population in the border area may also contribute to certain issues of a broader border management concept and thus are actors who should be cooperated with. Chapter III.4 below specifically addresses cooperation with these other actors.

II. 1. Border guards

Main legal documents

- The main legal document dealing with border guard issues is Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community code on the rules governing the movement of persons across-borders (Schengen Borders Code).[4]
- Schengen Convention (Convention implementing the Schengen Agreement of 14 June 1985)[5]
- Council Regulation (EC) No. 2007/2004 of 26 October 2004 (European Agency for the Management of Operational Cooperation at the External Borders)
- Council Regulation (EC) No. 693/2003 of 14 April 2003 (Facilitated Transit Documents)

The above-mentioned Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community code on the rules governing the movement of persons across-borders (Schengen Borders Code) entered into force on 13 October, 2006, and will be followed by an accompanying handbook (a Commission recommendation) and a series of annexes further detailing the border guards' work. The Schengen Catalogue on External Border Control developed at an earlier stage will then have to be reviewed accordingly. Additional legal acts with regard to visas, migration and asylum are mentioned below in chapter IV.1.

[4] The Schengen Borders Code is the result of an attempt to establish a "common corpus" of legislation, particularly by means of consolidation and development of the *acquis*, and is as such one of the fundamental components of the new common policy on the management of the external borders, as defined in the Commission Communication of 7 May 2002, "Towards integrated management of the external borders of the Member States of the European Union" (the objective having been included in the plan for the management of the external borders of the Member States of the European Union, approved by the Council on 13 June 2002 and endorsed by the Seville European Council on 21 and 22 June 2002 and by the Thessaloniki European Council on 19 and 20 June 2003).

[5] Note that articles 2 - 8 of this Agreement were repealed by article 39 of the Schengen Border Code (Regulation 562/2006).

Responsibilities

The border guards[6] are the lead agency with regard to **border security**. A border guard can be deployed at a land, sea or air BCP, along the land or maritime border or in the immediate vicinity of the border or at a regional or central headquarters, and has the authority needed:

- To carry out **checks or surveillance** at external borders
- To take **preventive or enforcement measures** at the external border needed to maintain national security in compliance with national regulations and Community legislation
- **To conduct investigations** into facts observed in the course of checks or surveillance at external borders

Therefore border guards:

- **Carry out checks** on the legality of the application of each passenger to enter the country
- **Prevent and stop illegal crossing** of the state border
- **Control passengers** (including checks of means of transportation and objects in the possession of the person) crossing the state border in accordance with international agreements and in cooperation with other authorities
- **Perform**, at least, rapid and straightforward **minimum checks with regard to the validity of documents** authorising the legitimate holder to cross the border and verification of the presence of signs of falsification or counterfeiting
- Take the necessary measures should a person not fulfil the conditions of entry or exit
- Meet **obligations specified in international agreements**, direct the activity of the authorities mandated to inquire into border events, supervise work related to the surveillance of the state border, be responsible for the placement and renewal of border signs and keep the border clearance area clear
- **Prevent violent action** against the order of the state border and the facilities guarded by the border guards
- Perform **alien police duties** specified in the competent law on foreigners and the relevant by-laws
- Collaborate in performing **refugee authority duties** defined by separate legal provisions
- Take the necessary action to manage any emergency involving refugees and conflict situations directly endangering order at the state border;
- Collaborate in the administrative procedures specified by legal regulations and ensure the **maintenance of order at the state border**
- Exercise authority as specified in legal regulations in certain cases of petty offence
- Collect and evaluate the information required for the performance of the duties of the border guards
- Exercise investigative powers according to national law

[6] The Regulation 562/2006 defines "border guard" as any public official assigned, in accordance with national law, to a border crossing point or along the border or the immediate vicinity of that border who carries out, in accordance with this Regulation and national law, border control tasks. The updated version of the *IBM Guidelines* for the Western Balkans, in compliance with this Regulation, also uses the term "border guards".

Additionally border guards may perform duties specified in legal regulations relating to the defence of borders in the case of martial law, a state of emergency or an emergency situation.

Border guards perform "**border control**" (the activity carried out at a border in response to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of border checks and border surveillance). "Border control" as referred to in the Regulation is to be further subdivided into "**border checks**" (the checks carried out at BCPs, to ensure that persons, including their means of transport and the objects in their possession, may be authorised to enter the territory of the Member State or authorised to leave it) and "**border surveillance**" (the surveillance of borders between BCPs and the surveillance of BCPs outside the fixed opening hours, in order to prevent persons from circumventing border checks)."Border checks" as referred to in the regulation finally are subdivided into compulsory "**first-line checks**" (basic checks in accordance with article 7 of the Regulation) and "**second-line checks**" (further checks that may be carried out in case of suspicion in a special location away from the location at which all persons are checked first).

The basic principle of an efficient and effective border management system at the border is for the services involved – within their area of responsibility – to contribute to a maximum level of security for the citizens of the country, while at the same time facilitating the movement of people and goods across the borders.

Institutional framework

Border checks and surveillance of the green and blue border should be executed by professional officials and supervised by a central authority, that is part of a ministry working in the fields of justice, liberty and security and home affairs. Taking the experience of other countries and especially the rules within the EU and Schengen into consideration, it is recommended that border guards be set up as a **specialised, unified, professional body**. This could, for example, take the form of an autonomous and centralised unit as a specialised force within the police structures but with a separate budget and clear command structures (other solutions are nevertheless also possible, as long as the effectiveness of the service is guaranteed). Furthermore, the structural and organisational differences between the border crossing and surveillance offices should be clearly defined. There needs to be a clear definition of the cooperation envisaged at the vertical and horizontal levels.

If the army is still supporting the border guards in protecting the green and/or blue borders, or if the border guards still fall under the authority of the army/ministry of defence, this responsibility should – in accordance with EU standards – gradually be handed over to the civil authorities. (Most states with military personnel involved in border management have already recognised this need and are at present in various phases of adjusting the situation.) Appropriate training for all officers and commanders to support this military-to-civil transition is a key element of this process.

Fields of cooperation

In the course of fulfilling their duties and tasks specified in legal regulations, border guards shall co-operate with the police, customs, migration agencies, disaster control agencies, national security agencies, environment protection authorities, the army, other state agencies,

local governments and their offices, business organisations, social organisations, NGOs, intergovernmental organisations, citizens and their communities.

II. 2. Customs

Main legal documents

- EU Customs Blue Print[7]
- Community Customs Code: Council Regulation (EEC) No. 2913/92
- Commission Regulation (EEC) No. 2454/93
- Council Directive 92/12/EEC, general arrangements for subjects to excise duty
- Commission Regulation (EEC) No. 2719/92 on the accompanying administrative document (AAD)
- Commission Regulation (EEC) No. 3649/92 on the simplified accompanying document (SAD)
- Commission Regulation (EC) No. 648/2005 on security

Responsibilities

Customs authorities generally act as the **lead agency for commercial trade**. Customs should guarantee trade facilitation as well as to protect society and prevent cross-border crimes and are therefore primarily in charge of controls of goods passing the borders.

The customs service:

- Ensures the **collection of revenues** as dictated by national legislation or records of goods for clearance in inland depots
- **Checks goods transiting the country** to ensure that there has been no illegal removal or addition of goods while the means of transport is traversing the territory
- Ensures the safety and security of citizens
- Protects the environment
- Protects the financial interests of its country
- Protects its country from illegal trade while supporting legitimate business activity
- Increases the competitiveness of business in its country through modern working methods supported by an easily accessible electronic customs environment

A customs officer is a public official deployed either at a land, sea or air border crossing point, along the land or maritime border or in the immediate vicinity of the border, or at a regional or central headquarters.

Customs officers carry out:

- **Border and inland control** to facilitate the flow of legitimate passengers and trade

[7] The new revised customs blueprint will be finalised in early 2007.

- Measures at the external border and inland needed to secure compliance with national regulations to maintain law and national security, freedom of movement of people and goods
- Controls in compliance with prohibitions and restrictions protecting the safety and security of citizens and the environment
- The collection of national revenue
- Customs procedures (customs clearance) at borders and inland customs offices
- **Investigations** into facts observed in the course of checks or surveillance at the external borders and – if so empowered by law – impose administrative fines
- **Controls of passengers, goods and vehicle traffic and freight** crossing the state border in accordance with international agreements and in cooperation with other authorities
- Collection and evaluation of the information required for the performance of the duties of the customs
- Measures of customs control and verification, as well as clearance, and also excise control and tax inspection in order to collect the resulting revenues
- Cooperation in the field of international trade, currency, sanitary, phytosanitary, veterinary and other regulations linked to the cross-border traffic of goods and persons

Institutional framework

The presence of a **central customs administration**, which should be part of the ministry of finance, is necessary for the uniform and correct application of customs rules. Customs has to be present at all BCPs, except at small bilateral BCPs restricted to the border crossing of persons only and where a special agreement between border guards and customs is in place that transfers customs duties to border guards ("cross-designation of responsibilities"). The duties of the customs officers should be defined in the customs administration law in line with the **Community Customs Code**.

Separate EU customs assistance missions already implement comprehensive programmes of modernisation and development, adjusted to the specific local situation. These missions provide both technical assistance and equipment.

In general, the principles set out in the **Customs – Organisation and Management Blueprints** should be followed, which include references to control policy, instructions and operational plans as described above.

Cooperation

Customs authorities have an important role in border management, stemming from the dual objective of **encouraging trade facilitation and fighting cross-border crime**. They are well placed to develop integrated procedures between the various agencies involved in the work at a BCP, such as border guards and phytosanitary and veterinary agencies. Streamlining of customs work is needed to achieve effective integration with other authorities. The EU customs blueprints, in particular chapter 7 on borders and inland control, as well as other relevant EC documents, lay down the EU standards in this field. The EU customs blueprints consist of strategic priority statements rather than precise requirements; therefore the present document aims to translate the benchmarks into more operational objectives.

In their daily work, customs officers **have regular contacts** not only **with border guards** but also with **veterinary and phytosanitary inspectors**; market inspection and consumer protection services; services responsible for environmental and cultural protection; and services responsible for confirmation of transportation and import and export licences. It is therefore of utmost interest to the customs authorities to be active in ensuring professional cooperation and coordination between all partners.

Given their common objective in fighting cross-border crime and protecting society from risks to safety and security, close and efficient cooperation between customs authorities, who have responsibility for controls on goods, and border guards, who bear primary responsibility for checks on persons, is essential. **Synergies should be exploited as well as** respective strengths by ensuring an active role for customs in police investigations, especially where fraud and the effective sharing of data and pooling of resources are concerned.

Customs authorities also face new challenges in the light of rising demand to process an increasing volume of goods as quickly and efficiently as possible in order to ensure competitiveness on the global market, while at the same time effectively preventing any harm to society. As the first line of defence against threats posed by illegal or harmful goods, it is vital to strengthen cooperation with other authorities; including those responsible for the control of goods of plants, plant products and animal origin, for foodstuffs and medicines and for market surveillance. Close cooperation with trade partners is also of importance for all agencies involved in trade facilitation. An active role for customs authorities in providing a coherent approach towards trade partners should be envisaged.

II. 3. Phytosanitary inspection

Main legal documents

- EU Directive 2000/29/EC codifies the whole range of Community measures against the propagation and introduction of harmful organisms
- Part of the general framework laid down by the International Plant Protection Convention, which regulates the movement of plants and plant products and their protection against harmful organisms

Responsibilities

Phytosanitary inspection is the inspection of controlled **plants** and **plant products** imported into or in transit through a country to **prevent the introduction and spreading of organisms harmful to plants and plant products**.

Inspectors are responsible for:

- **Documentary checks** (validity of phytosanitary certificates)
- **Identity checks**
- Means of conveyance
- **Plant health checks** and, if necessary, taking samples

- Issuing of **phytosanitary certificates** for plants and plant products presented at the border for export

Phytosanitary inspectors at the point of entry should perform phytosanitary inspections or in special cases, such as with laboratory tests, at the point of destination or at other places where phytosanitary consignments can be identified, provided that their phytosanitary integrity is maintained and that appropriate procedures can be followed.

Institutional framework
A single central authority responsible for all phytosanitary matters is required by the EU *acquis*. One of its responsibilities would be to lay down relevant laws and by-laws and to establish other necessary preconditions for the work of a national plant protection organisation dealing with all elements of phytosanitary matters in line with the International Plant Protection Convention.

Cooperation
Procedures with relation to **phytosanitary inspections have to be followed under the supervision of customs authorities** and therefore **clear coordination** between customs authorities and phytosanitary service is **indispensable.** In addition, customs officers have to be aware of the tasks of phytosanitary officers and of the plants and plant products that have to be controlled or small amounts of regulated plants or plant products that are exempted from phytosanitary control.

II. 4. Veterinary inspection

Main legal documents

- The legislative basis of veterinary border inspection and the cooperation procedures are formed by two Council directives: Directive 91/496/EEC laying down the principles of veterinary checks on animals and Directive 97/78/EC laying down the principles of veterinary checks on products.
- A "positive list" of foodstuffs and other products of animal origin that shall be inspected by border veterinarians can be found in European Commission Decision 2002/349/EC, which includes a list of products to be examined at veterinary BIPs under Council Directive 97/78/EC. This Decision will be repealed in the near future and replaced by a document laying down the list of products to be examined at a BIP and composite products to be excluded from veterinary checks.)

Responsibilities
The veterinary border inspection service is in general responsible for the inspection of live animals and **foodstuffs** (of both animal and non-animal origin) introduced into the country, although rules for inspection of food of non-animal origin (responsible authority, structural requirements) are not clearly defined by the *acquis*. The responsibility of the veterinarian border inspection service covers both **consignments** that are intended **for import** as well as

consignments in transit - with or without temporary storage. Foodstuffs of animal origin intended for ship supply are also included.

Institutional framework
The ideal structure of the organisation responsible for veterinary checks is relatively compact. All responsibilities related to veterinary border inspection should be brought together in one ministry. If the responsibilities are divided between several ministries, the risk of overlapping and loopholes arises, which would have to be compensated for with increased coordination efforts.

The veterinary border inspection service is situated either as a unit inside the ministry or, preferably, in an agency working under the direction of the ministry. Typically, the ministry concerned is **the ministry of agricultue**. The BIPs should fall clearly under the responsibility of the veterinary border inspection service in order to ensure the undisputed authority of the ministry or agency over the BIPs.

Cooperation
Exempted from systematic veterinary checks are for example, certain foodstuffs of animal origin forming part of a traveller's personal luggage, some trade samples, samples for exhibitions and small amounts of products intended for particular studies or analyses. As these consignments are outside of the scope of "normal" systematic veterinary border inspection, customs authorities control them as part of their normal import surveillance. There are also exceptions for live animals: dogs and cats introduced into a country as pets should be exempted from systematic veterinary checks. **Customs control the import conditions randomly**, as part of their normal import surveillance. Therefore the **customs authority normally first gets involved with the consignments** and – on the basis of the "positive list" – **decides whether that consignment falls under the responsibility of veterinary inspection** or not.

Customs officers therefore assist border veterinarians in controlling consignments of animal origin and live animals introduced into the country via a BIP. Cooperation with border guards is limited to instances when border guards detect consignments during their controls that could be of interest to the border veterinarians or the phytosanitary service. In addition, if there are small BCPs where neither inspection services nor the customs service are present, some of the responsibilities, mainly the denial of entry via a non-authorised BCP, may be taken over by border guards.

With regard to cooperation with other border authorities, the division of the areas of responsibility related to consignments predominates in the relationship with other inspection services. In such cases there will usually be a chain of inspections carried out by the various authorities. Cooperation is usually limited to the exchange of information. Cooperation with cargo forwarders, carriers and relevant interest groups is also related mainly to information exchange.

II. 5. Other actors

The term "other actors" refers to institutions that are not directly involved in practical border work, but to a certain extent depend on or interact indirectly with border services and therefore also form a part of the IBM concept. Other actors may be **state actors** or **non-state actors** - the following list gives a short overview of these other actors, while chapter III.4 provides more details about their involvement in IBM.

Other actors

- **Ministry of transport.** Responsible for access to border crossings and green borders; of key importance is cooperation with regard to scale and importance of specific BCPs
- **Security service.**
- **Migration authorities**. There should be cooperation with border guards on asylum, migration and visa matters, risk-analysis and information exchange.
- **Members of the judiciary.** Competencies need to be clarified and procedures with law enforcement authorities have to be established.
- **Owners of the border crossing points**: Cooperation is needed in all physical land management of the border area.
- **Police academies** or other relevant training institutions. Even where police and border guards do not have the same initial and/or consecutive training, border guard training or joint training on certain topics and in accordance with agreed core curricula should be given in these institutions.
- **National railway companies.**
- **Statistics institutes**. Data could be provided by border authorities such as customs that collect goods-related data.
- **Market inspection and consumer protection**. In the EU, relevant services are normally placed inland. Functions at the border are carried out largely by customs. Procedures for information exchange should be established and joint operations organized.
- **Harbour masters** and **airport authorities**. These have a need for efficient information exchange procedures with relevant authorities such as on arrival times, and should maintain close cooperation with border management services present at maritime and air BCPs. In particular instances – in accordance with the respective national legislation - it may even be compulsory for them to provide the necessary infrastructure to perform border checks;
- **Carriers and operators**. Information exchange with border guards (e.g. regarding passenger lists), as well as a legal and regulatory framework related to procedures in case of breaches of law, is as important as following – in accordance with international obligations or national legislation – provisions concerning carrier liability.
- **Freight forwarders**. Memorandums of Understanding (MoUs) could be established between trade facilitation agencies and trusted forwarders. Forwarders are directly affected by improvements in workflow and procedures for information exchange.
- **Industry and business association**. There should be regular information exchange with trade facilitation agencies. In addition, training and seminars could be offered by trade facilitation agencies to industry and business.
- **NGOs, civil society and the local border population**.

PART III.
THE CONCEPT OF INTEGRATED BORDER MANAGEMENT: COOPERATION AND COORDINATION IN PRACTICE

The following chapter is a collection of good practices in the field of cooperation and coordination within and between agencies involved in border management. These are partly practices applied in EU Member States and partly others laid down in EU legislation and other documents, complemented with good practices from the region.

For each pillar – intra-service, inter-agency and international cooperation – the following fields in which cooperation and coordination should take place will be examined:

- Legal and regulatory framework
- Institutional framework
- Procedures
- Human resources and training
- Communication and information exchange
- Infrastructure and equipment

The distinction between these fields of cooperation is not clear-cut and certain topics may cover two or more of these areas. Cross-references are made in this case.

The individual chapters will first introduce the objectives related to the particular field of cooperation and coordination that might be included in an IBM strategy, that is, **WHAT** should be achieved in a certain field. The chapter will then go on to describe the possibilities of **HOW** these objectives could be pursued through specific activities, providing examples of good practices. Certain activities will be applicable to or concern all agencies involved in border issues, while others will be specific to one agency or the other or imply closer cooperation of certain services. **WHO** should be involved in the different activities or who the objectives refer to will thus also be mentioned.

In many countries strategies for individual services already exist. The present IBM Guidelines should be seen as complementary to those existing strategies, which could be expanded by certain aspects of intra-service and international cooperation according to the national interest. The content and implementation of the strategies of individual services should be coordinated

at the national level in order to identify complementary fields and to ensure the economic use of resources. While the **national IBM strategy may include objectives related to intra-service and international cooperation, this in no way substitutes for sector strategies,** which naturally go far beyond cooperation issues. In the chapters related to intra-service and international cooperation, sub-chapters for the individual services will refer to objectives and good practices that might be included in such sector strategies.

III. 1. Intra-service cooperation

"Intra-service cooperation" refers to the cooperation of different units/divisions within one ministry or agency. The introductions to the following chapters therefore first summarise objectives of common importance for all ministries or agencies followed by descriptions referring to cooperation within the individual ministries/agencies mainly involved in border management: with regard to the ministry of the interior, for example, cooperation between police and border guards will be discussed, or the relationships with laboratories in the case of inspection services.

III.1.1. Legal and regulatory framework

The ministries or agencies responsible for border management need to operate within a clearly defined legal framework, **clearly determining the authority, tasks and responsibilities** of the agencies and their staff. At the same time, the division of rights and responsibilities at **different levels** of the agencies involved in border management should be clearly stated in the legislation so as to facilitate the smooth operation of a reliable control system. Moreover, **obligations and terms of cooperation** between individual departments of a ministry, individual units of a service, between the central level, the regional level and BCPs/BIPs/ICSs should also be anchored in laws or by-laws.

Depending on the organisational set-up of the ministries/agencies, laws, by-laws, agreements and internal instructions may cover the following topics:

- Areas of responsibility
- Gathering and exchange of information
- Operational procedures
- Documentation
- Access to databases
- Delegated responsibilities (e.g. sample-taking)

A fundamental condition for achieving the objectives of IBM is the **coherent application and enforcement of the laws** adopted. This requires the definition of procedures, the preparation of instructions based thereon, and a control – and evaluation – system to observe their implementation. The regulatory framework for the institutional setting within a ministry or agency must enable its staff to implement the laws efficiently. Further details of procedures and operational instructions will be discussed in the chapter on procedures.

III. 1. 1. 1 Border guards

The competence and scope for border control and alien policing usually derives from the respective constitution laying down the administrative responsibility. The relevant legal documents were already mentioned in chapter II.1 above.

Border control and alien policing duties are the main tasks of border guards. The respective national legal acts must therefore give clear instructions on how to fulfil the two types of duty in a unified and transparent way throughout the given country. Both duties in particular may affect basic rights of individuals being subjected to control by border guards. The respective laws and by-laws therefore should give clear instructions on how to control and fulfil the tasks while at the same time fully respecting human dignity. All measures taken by border guards in the performance of their duties should therefore be proportionate to the objectives of such measures.

At the **national level,** the responsibilities of border guards as well as their intra-service cooperation are, inter alia, commonly regulated in a police act, a border control or border guard act, asylum and migration laws, a data protection act, laws regulating the issuance and control of travel documents and visas, laws on air, sea and train traffic and general laws regulating the status of civil servants and law enforcement officers.

The **main legal act on border guards** should describe the authority and the competencies at the local, regional and central levels and clearly specify the tasks to be fulfilled as well as the decision-making competencies. Additionally, internal orders should clarify responsibilities and intra-service cooperation.

In fulfilling border surveillance duties, border guards use both stationary or mobile units. The respective legal basis should ensure that border guards are provided with sufficient legal power to carry out this task in such a way as to prevent and discourage persons from circumventing the checks at BCPs. The respective legal act, therefore, has to ensure that, on the one hand, border guards are vested with sufficient law enforcement power to conduct their duties and, on the other, that the legal framework for mobile units is in place. The number of border guards performing surveillance should be adapted to existing or foreseen risks and threats.

Furthermore, instructions should be introduced **clearly stating the competencies of border guards and those of police officers**. This has to be taken into consideration in countries where the border guard unit is part of the police unit. Clear instructions are especially necessary as the exercise of (regular) police powers does not have border control as an objective, while this is the main duty of border guards. Additionally, (regular) police powers are clearly distinct from systematic checks on persons at external borders. Regulations in this regard must therefore clearly differentiate between and define the respective competencies, but must also clearly state how to cooperate and communicate in the case of overlapping responsibilities.

Where appropriate, border guards also perform law enforcement tasks mandated by other laws, perform investigations and act as the investigative authority in criminal cases (usually

based on a separate law). Since legal systems vary from country to country, this list merely serves to show the complexity of the legal framework supporting the work of border guards.

III. 1. 1. 2 Customs

In the field of customs, the EU a*cquis* includes a number of rules that constitute EU good practices. National customs legislation should therefore follow the requirements set out in the **EU Customs Blueprint**, chapter 1. The Community Customs Code ("EU Customs Code") principles should therefore form the basis for customs administration law, customs administration, the powers of customs officers, customs offences and penalties, flow of information and mutual assistance.

Legislation has to support the development of a **transparent customs administration**, to demonstrate accountability and responsibility, and to give the customs administration the authority to make decisions on administrative matters.

Roles, **responsibilities and links between the different levels** of administration (local, regional and central) must be clearly defined and transparent. Financing of the customs administration is determined and set out in legal provisions.

Regarding border control and inland control the following points are particularly relevant:

- Customs legislation needs to **clearly define all kinds of customs procedures.**
- Customs legislation needs to **provide customs officials with adequate authority** for questioning, examining and searching of persons, goods, means of transport, documents and commercial records, and to include clear definitions of control procedures.
- **Customs offences and penalties** are to be determined by law, as also the jurisdiction of bodies administrating offence procedures.

A review of customs legislation according to EC recommendations should aim to achieve the following objectives with a view to both simplifying legislation and enhancing security features:

- Identify overlaps with or gaps in its interfaces with other relevant national legislation
- Regulate the use of electronic declarations (also for accompanying documents) and electronic exchange of data
- Simplify and streamline existing customs procedures
- Adjust simplified procedures to the needs of electronic processing and extend their scope and use
- Define the roles of inland and frontier customs offices
- Define the rights and responsibilities of traders and freight forwarders and improve the service to traders through closer relations between customs services and companies
- Implement provisions for quality measurements and internal audit (e.g. code of ethics).

Such modernisation and simplification of customs legislation reduces the cost for business, increases legal security for citizens and allows businesses and citizens to benefit fully from

the possibilities offered by information technology procedures. Legal provisions for data protection have to be developed where they are lacking or amended according to EU standards.

III. 1. 1. 3 Phytosanitary inspection

EU Directive 2000/29/EC codifies the whole range of Community measures against the propagation and introduction of harmful organisms. It regulates the movement of plants and plant products and their protection against harmful organisms at import from third countries within the EC. It is part of the general framework laid down by the **International Plant Protection Convention**.

For the national administration this means that plant health legislation should be laid down in accordance with the EU directive. In addition, working procedures should be developed and subsequently reflected in detailed working instructions for inspectors, relating not only to import, export or the single market, but also to all other official duties of the national service.

Internal cooperation should be anchored in laws or by-laws and the type or level of the officer(s) responsible for making decisions should be clearly defined in an agreement or in the legislation. A **clear legal framework on collection of information, creation of databases and work procedures should form the basis of the work** in this regard.

Phytosanitary services have to be present at the regional and local levels. At the local level, the presence at designated ports, airports and external land and sea borders has to be defined.

III. 1. 1. 4 Veterinary inspection

Intra-service cooperation should be based on solid legislation drafted in accordance with the EC legislation. Intra-service cooperation as well as the organisational system related to veterinary border inspection is based on two EC directives:

- ***Council Directive 97/78/EC***, laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries, forms the basis for veterinary border inspection of foodstuffs and other products of animal origin.
- ***Council Directive 91/496/EC***, laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and forms the basis for veterinary border inspection of live animals.

In addition to these two directives, several decisions regarding the implementation of these directives provide more detailed instructions on the procedures to be followed.

The EC legislation contains several elements of intra-service cooperation, **both horizontal and vertical**. The regulations on vertical cooperation divide the responsibilities between the different levels of the veterinary organisation, as the regulations on horizontal cooperation divide the tasks between veterinarians at the same level.

The **regulations on vertical cooperation** stipulate, for example, the approval of powers and procedures of the veterinary BIPs and the withdrawal of that approval. Provisions concerning the reporting duties and flow of information between the different authority levels are also set down.

The EC system does not allow systematic import licences, but requires the import conditions to be based on legislation. Traditionally, in non-EU countries the main part of risk assessment and management of imported consignments is carried out by the central competent authority when issuing import licences. The role of the border veterinarians carrying out the technical comparison of the import licence against the imported consignment should be strengthened towards more independent control of the implementation of standardised import conditions provided for by legislation, thus shifting the responsibility for risk management to the lower level.

Concerning **horizontal cooperation**, there are regulations regarding the cooperation between veterinary BIPs. Transits of **products of animal origin or live animals** must be carried out between BIPs in all cases. This means that the **entry and exit of such consignments is allowed only through BCPs linked to BIPs that are adequate as regards cross-checking, information flow/feedback and traceability of consignments** (TRACES system). Transit via simple BCPs (without BIP) is not allowed, except for the movement of pet animals. Rapid exchange of information is needed on rejected consignments returned to the country of export to prevent the reintroduction of the consignment through another BIP. This information should also be used at the other BIPs in order to detect the same deficiencies or risks in a similar type of product or in animals.

There are also regulations on cooperation between the BIP and the inland veterinarians, for example, the official veterinaries responsible for customs warehouses in cases of temporary storage of consignments in transit or intended for ship supply. Information shall be sent from the BIP of entry to the warehouse and from the warehouse to the BIP of exit or to the ship, followed by feedback information going backwards in the chain to ensure that the consignment is not diverging from the authorised route.

There are regulations on **cooperation** between the border veterinarians and the inland veterinarians **in cases of** a so-called **"canalised"**[8] **consignment to ensure its arrival at the intended destination**. The border veterinarian is obliged to inform the inland veterinarian responsible for the supervision of the establishment of destination that a consignment has been approved for transport from the BIP into that establishment. Equally, the requirement for feedback from the inland veterinarian to the border veterinarian within 15 days to confirm the arrival of the consignment at its destination is laid down in EC legislation. A similar form of cooperation takes place between border veterinarians and inland veterinarians responsible for quarantine stations, slaughterhouses, research institutes and other special destinations.

During the interim period before full implementation of the EC model for veterinary border inspection, there might however be a need for a division of competencies different from that set down in the EC regulations between border veterinarian and inland veterinarian services.

[8] See Council Directive 97/78/EC, article 8.

Pending the availability of BIP facilities enabling unloading, sampling and temporary storage in hygienic conditions, the division of competence should be clearly defined in order to avoid loopholes and overlaps.

An **MoU** might be seen as a **useful tool during** this **transitional period** when a veterinary border inspection system is in the process of being set up in accordance with the EC model. Such an MoU might help to clarify the relations between and responsibilities of various authorities, for example, in cases where the physical checks – owing to the lack of proper inspection facilities at the border – have to be carried out by inland veterinarians in customs warehouses. Such MoUs should however gradually be replaced by legislation so as to form a solid legal basis for the veterinary border inspection regime implemented in accordance with the EC legislation.

III.1.2. Institutional framework

In discussing cooperation and coordination between different units of a ministry/agency, the focus is on the organisational and management structures of the specific service. Important objectives regarding the institutional framework include:

- The existence of **central authorities** responsible for particular aspects of management of the state border
- The common development of **management plans/strategies** based on **coherent policies**
- The establishment of **internal control and reporting mechanisms** in order to monitor not only performance and the coherent implementation of the operational instructions issued by the central authority based on the management plans, but also the efficient use of resources

Regular performance evaluation will help to detect irregularities of any form and provide feedback for the quality management system of the organisation, thus allowing other units to **learn from good practices**. At the same time, an internal audit system can also contribute to staff motivation by allowing and channelling constructive criticism: if taken into account, the opportunity to make suggestions for improvement underlines the importance of the experience of operational staff and consequently increases motivation.

Clear and transparent procedures have to be established for corrective action to be taken in case of irregularities, and for follow-up to them. If feasible, these functions could be carried out by **units specialised in external audit**.

Taking the increasing importance of appropriate risk analysis into account, **centralised risk analysis units** should be established. Such units should be provided with all relevant information from the field (starting from embassies and diplomatic missions through the pre-frontier area and all the way inland) and should ensure that the relevant units (at the central, regional and local levels) receive an accurate analysis of the information collected, as well as suggestions for the operational adjustments to be made, on a regular basis.

With regard to **centralisation/decentralisation**, the choice of model will very much depend on the specific situation of the individual country. However, care should be taken that decentralised units are accountable to the central authority. A **unitary organisational structure** should exist for the central, regional and local levels. A clear division of responsibilities has to be ensured and active communication combined with a well organised information flow must be established.

To ensure the implementation of the **overall border and inland control policy**, **operational instructions** and, based upon these, **operational plans** should be developed and adapted for each BCP. One part of the control policy could be the use of **mobile units**.

III. 1. 2. 1 Overall border and inland control policy and strategy

The **border guards and customs** administrations (possibly including the relevant authorities for the control of vehicle safety and road traffic) **should develop an overall border and inland control policy and strategy**, to be implemented through headquarters. The border control policy and strategy should determine and include the standards for risk analysis and selective, systematic, comprehensive and flexible controls, information flow, both top-down and bottom-up, the bodies responsible for planning (at the central, regional and local levels), cooperation with other border agencies, cross-border cooperation, relations with trade and the public, management, personnel (human resources, required competencies and codes of ethics), training, facilities, equipment and computerisation. All BCP/ICS staff need to be familiar with the content of the border control policy and strategy, in particular with those parts of the policy which concern their particular BCP or ICS. The application of the policy should be monitored by the management on a regular basis.

III. 1. 2. 2 Border control operational instructions

The standards laid down in the control policy and strategy should lead to specific operational instructions, which need to take into account the importance of establishing an interface between the centrally located enforcement units and the BCPs/ICSs. The border control operational instructions should include detailed instructions/guidelines regarding working methods for each task of a BCP and ICS related to the control of both commercial and private traffic.

Instructions on the main procedures for border control and inspection should be compiled **in the form of a manual** for ease of reference. An **up-to-date version should be available to all staff**.

The following should be covered by such manuals:

- **Information flow**, at and between the central, regional and local levels – top-down as well as bottom-up, how, by whom and to which unit
- **Control procedures**: regular workflow and contingency procedures
- **Instructions and objectives for risk analysis**
- Sample-taking procedures

- **Documentation**, including standard formats/templates, issuance of documents, transmission to clients and other services, and archiving

Responsibility for the execution of the border control operational instructions should be clearly defined and assigned to all relevant management levels concerned with border and inland management.

Supervisors of BCP/ICS managers should periodically discuss performance with them and monitor their implementation of the border/inland control operational instructions. Each BCP/ICS manager should keep a comprehensive set of documentation containing:

- An **operational profile** (border/inland control operational instructions, including good practice guidelines and strategic planning and reporting system records)
- A **risk profile** (information on the local environment, the nature and volume of traffic, intelligence and information, and risk assessment systems, including risk testing)
- **Operational plans and reports**
- A **management profile** (instructions regarding personnel, including a code of ethics, training, tools and equipment, etc.)

The attainment of the BCP/ICS targets should be monitored and reported by a central planning and reporting system.

III. 1. 2. 3 Operational plans

For the implementation of the operational instructions, it is recommended that BCP/ICS managers draw up an operational plan for their respective BCP in close consultation with staff. The **operational plan sets out the various tasks and defines the corresponding responsibilities**.

All officers need to be aware of the operational plan and their responsibilities with regard to its implementation. The BCP/ICS managers are accountable for the implementation of the operational plan and report progress and results to their superiors on a regular basis.

III. 1. 2. 4 Mobile units

BCPs and ICSs should be supported by mobile customs units and laboratories. Mobile units of the border service should also be in place in order to further increase the effectiveness of the IBM system of the country. To that end, the required human and financial resources, as well as adequate training programmes, equipment and IT support, need to be defined in management and investment plans. In order to make use of convergence of interests, ensure economic use of resources and exchange of relevant information and mutual assistance, cooperation and coordination with other governmental mobile surveillance units should be sought, as well as with mobile units of neighbouring countries.

The task of the complex control system on the part of the border guards is to perform checks on foreigners across the country in a selective and differentiated manner in compliance with the legislation covering illegal migration and other related acts. Following an enhanced

approach, phytosanitary and veterinary services could, in addition, join the mobile units on the comprehensive inland inspections and checks.

Special attention should be given to the proper legal framework, ensuring that the mobile units have all the necessary competencies in order to carry out independent checks efficiently inland.

III. 1. 2. 5 Border guards

No particular recommendation can or should be given as to whether border guards should be organised centrally or in a decentralised manner, since this is to be decided on the basis of each country's specific situation. The only item to be strictly observed is that states should introduce appropriate decision-making authority and deploy adequate staff and resources in sufficient numbers to carry out border control in such a way as to ensure an efficient, high and uniform level of control.

Additionally the relevant institutions should observe:

- That a **clear and operational structure** is established at the **central, regional and local levels**
- That the **commanding structures are clear**
- That the **issue of cooperation** (both vertical and horizontal) is clarified within the border guard and also between the different authorities
- That the **information-gathering** and – based on appropriate risk analysis – top-down dissemination, as well as general information flow, both top-down and bottom-up, is performed in a structured manner

It is also highly recommended that **combined mobile forces** (at the regional and/or central levels) be set up so as to be easily available for specific dangerous and hazardous situations (bypassing of BCPs, illegal entry in trains, etc.).

All measures should finally be accompanied by evaluations and audits to be conducted at the central level, thus allowing comparison and conclusions for implementation.

III. 1. 2. 6 Customs

Decentralisation and **delegation of decision-making** increases the flexibility to react to variances in flows of goods and other traffic. It is thus necessary to secure adequate resources, equipment and experts (trained in using the equipment), based on management plans.

Decentralisation and delegation of decision-making requires efficient and independent internal control to ensure efficient use of resources, as well as to review the execution of customs officers' obligations at all levels. Finally, a quality management system and a method to measure results could help in achieving permanent high standards. The roles, responsibilities and links between the centre of the administration and the regional offices should be clearly defined.

Controls at the border should be supplemented (as mentioned in section III.1.2) by inland mobile checks by specialised units.

Although customs personnel will remain present at the BCPs, there is a trend towards moving detailed cargo control further inland. Border checks should focus on the security aspects while commercial and fiscal checks can be carried out elsewhere. The major advantage of inland cargo clearance is the shorter waiting time at the BCP, allowing for smoother traffic flows. In addition, appropriate facilities and infrastructure for customs control do not have to remain at the border, where the terrain may be unsuitable or the geopolitical situation difficult.

Inland clearance facilities are also shared by various BCPs, which leads to more effective use of resources. Coordination with both veterinary and phytosanitary services is needed in this regard as, according to EC principles, these controls are mainly carried out at the state border and cannot be moved inland. Consignments from which samples for a laboratory test are taken have to be held under customs supervision and the goods have to be sent to inland warehouses. In addition, both destruction and return of a consignment in the case of a positive result have to be executed under customs supervision.

In order to make progress in customs controls it is necessary to develop a **centralised risk management** system. Using such a system in the whole country still requires a specific risk management unit for each region and BCP, taking into account all the characteristics of that particular BCP/region. In order to improve customs' work, cooperation and information exchange on a vertical and horizontal level have to be established.

III. 1. 2. 7 Phytosanitary inspection

A single **central authority** should be responsible for phytosanitary matters and phytosanitary services should report to that central authority. **Centralised risk management** should be established in order to gather all information from the local and regional levels.

Efficient and **independent internal control** ensures efficient use of resources and facilitates review of the work of phytosanitary inspectors at all levels. Finally, a **quality management** system could help to achieve constantly high standards of quality.

Cooperation and **information exchange at the vertical and horizontal levels** must be established in order to improve the work of the phytosanitary service. Horizontal cooperation also includes shared activities and interests between the phytosanitary inspectors at BCPs and other phytosanitary inspectors such as regional phytosanitary inspectors. The tasks of phytosanitary services (especially minor inspections of, for example, plants – non-commercial movements – transferred by private passengers) at the BCPs are often allocated to other border services (e.g. border guards or custom services). (For the cross-designation of responsibilities, see section III.2.1.3)

III. 1. 2. 8 Veterinary inspection

Individual EU Member States organise veterinary border inspections in various ways. A centralised model, where all the strategic and implementation tasks are carried out by the central competent authority, is quite rare. Even if in a small country such tight organisation would save resources and ensure rapid exchange of information, it is not the most transparent or efficient system since the results of inspections are assessed by the same authority that set the objectives.

A two-level system, where **risk assessment** and **risk management** are **carried out by two different levels** helps to avoid this problem and such a system also enables the second level to be clearly accountable to the first. Organisational systems also exist where there is a regional level between the central level and the local level, but here the uniform application of regulations and procedures is at risk and the flow of information slow.

In the most advisable model **activities are divided** between the central and the operational level. The **central level** carries out strategic planning based on the political framework, including risk assessment, and the **operational level** takes responsibility for risk management. **Centralised risk units** and **audit units** ensure objective targeting and the efficient implementation of import control.

Inside the institutional framework, cooperation at the vertical and horizontal levels should be clearly regulated by legislation. **Vertical cooperation** includes the division of rights and responsibilities between the central level and the local level in relation to the veterinary border inspection service, for example, regarding approval and withdrawal of approval of BIPs and flow of information.

Horizontal cooperation includes shared activities and interests between the veterinary authorities involved in veterinary border inspection and other veterinary authorities such as regional and municipal veterinarians. Phytosanitary inspection services and also veterinary inspections often tend to transfer their responsibilities to other border agencies. (For the cross-designation of responsibilities, see section III.2.1.3)

III.1.3. Procedures

Procedures in this context refer to procedures for cooperation between individual units, as well as specific aspects of the workflow at the BCPs/BIPs/ICSs. Procedures of individual agencies are outside the scope of the present IBM Guidelines.

In order to reach the objective of **systematic, comprehensive and flexible controls, which are applied consistently at all BCPs/BIPs/ICSs**, internal guidelines should be developed in the form of manuals for every type of BCP (air, road, rail and maritime). Issued by the central level, such manuals should ensure not only that all units follow the same standardised procedures, but also that the interpretation of relevant laws and regulations is the same. It is suggested that, based on instructions from the central level, operational plans should be developed for each BCP/BIP/ICS, reflecting the specific local situation. It should be ensured

that contingency plans exist for new or unexpected situations, for example, non-regulated quarantine pests detected in consignments.

Individual responsibilities must be clear and the **accountability of officers/inspectors** for decisions taken and the performance of their tasks **be noted.** Regardless of the means by which it is ensured – be it stamps (kept by the officers/inspectors or obtained at the beginning of each shift) or signatures, or in the case of electronic processing through user names and passwords – persons responsible should be identifiable at each step in the workflow.

Standardised forms should be developed for reporting and documentation regardless of whether paper or electronic documents are used.

The **reduction of paperwork**, where possible, could be identified as another goal, which would lead to a decrease in processing time and an increase in staff motivation. If the IT infrastructure is sufficiently developed, a "paperless" office could be pursued in the long run.

III. 1. 3. 1 Border guards

Border guards have to **ensure that entry and exit checks are performed systematically**. Exceptions are only possible under special circumstances.

Day-to-day cooperation procedures between border guards and police officers should be developed. Clear procedures should exist regarding the handling of apprehended illegal migrants as to whether to bring them to the attention of a migration or asylum office or to submit them to any further processing. Other cases affecting both border guards and police, which pose a threat or would constitute a crime, should also be dealt with according to unambiguous procedures regarding responsibilities, workflow and exchange of information. Clear procedures should govern the competence of border guards to instigate criminal proceedings that are conferred upon border guards by national law.

At the same time, **clear instructions** should exist **for joint operations between police and border guards**, both in the border zone and inland.

III. 1. 3. 2 Customs

Customs controls should facilitate legitimate trade and transit, but also bear in mind security aspects of the country. All customs controls should be based upon intelligence-led risk analysis and selectivity techniques. The development of emergency plans for exceptional situations endangering human lives and property is also essential.

Customs controls need to be consistent throughout the organisation. The controls at BCPs and ICSs are based on the respective border/inland control policy and sector-specific border control strategy. This strategy should be reflected in border control operational instructions (manuals), which ensure consistency of controls at BCPs as well as at ICSs. Customs controls should take the relevant international conventions into account, as well as trade/customs agreements, which also need to be included in operational instructions.

For trade facilitation, clear and simplified workflows are required. Customs control should be systematic, comprehensive and flexible and needs to be applied consistently at all BCPs and ICSs. To **reduce crossing/waiting time** at BCPs for trade to a minimum, it is recommended that **checks at the border should focus on security aspects, while import and export (release) clearances should take place inland.**

For transit shipments, including goods entering at a BCP and destined for final clearance at an ICS, pre-lodgement/pre-clearance needs to be available and examinations should take place only if a risk of fraud has been identified.

Travellers need to have the opportunity to declare and finally clear non-commercial goods at BCPs, and customs examinations are usually performed if a risk of fraud has been identified, or else performed randomly at a defined level.

The use of **centralised risk management** for the whole country **ensures the consistency of controls**. Nevertheless, each BCP or ICS should also perform specific risk management taking into account the specifics of the respective BCP or region. In case of an offence or suspicion, customs officers should complete a standardised information document (5x5; see annex III) and send it to the central risk management.

Customs controls are to be exercised at the border and inland, and should cover imports, exports and goods in transit:

- Customs control for transit, export (exit), temporary importation (in cases of oral declaration) and travellers is performed at the BCPs.
- On the other hand, control of commercial goods released for free circulation, customs control for temporary storage, transit (commence/discharge), warehousing, inward processing, processing under customs control, temporary importation, outward processing and export (release) should be exercised at ICSs.
- The above-mentioned does not exclude the use of combined BCP and ICS facilities.

III. 1. 3. 3 Phytosanitary inspection

Phytosanitary inspections must be undertaken by phytosanitary inspectors at the point of entry, but also in some special cases at the point of destination or at any other location where phytosanitary consignments can be identified, provided that their phytosanitary integrity is maintained and that appropriate procedures can be carried out.

If a specialist's examination or diagnosis is required, a sample must be taken and sent to an official laboratory. Phytosanitary inspectors should have official **written instructions on the correct sampling** and inspection procedures to be applied.

Inspection and sampling procedures may be based on non-targeted general procedures or on special procedures to achieve predetermined objectives. Samples may be taken from consignments for the purpose of phytosanitary inspection, for subsequent laboratory testing or

for reference purposes. The communication and information flow between inspection services and laboratory should be very fast, because the release of goods may depend on the test results and analysis by the laboratory.

It is important to **define the whole sample-taking procedure**, including the laboratory chosen to analyse the sample, and the type of analysis to be performed. Laboratory tests should be carried out in accordance with recognised standards. For this, tests have to follow official testing schemes or official international standards to detect harmful organisms (e.g. those of the European and Mediterranean Plant Protection Organisation (EPPO)), and high-level technical equipment should be available to the laboratories.

III. 1. 3. 4 Veterinary inspection

The EC legislation on veterinary border inspection aims to ensure a uniformly implemented control system throughout the borders. There are detailed regulations concerning procedures for documentary, identity and physical checks, on approval and rejection procedures, sample-taking and examination, fees, information systems to be used and so on. There are also regulations covering special procedures such as transiting, ship supply and canalising.

Manuals regarding the veterinary border inspection procedures are a fundamental element in the implementation of a uniform veterinary inspection system. Such manuals should contain instructions regarding for example:

- Pre-notification of consignments
- Documents to accompany them
- Type and frequency of checks to be carried out
- Sample-taking procedures and how to send samples to the laboratory
- Standardised documents for the approval or rejection of consignments
- Special procedures regarding consignments intended for transit, ship supply or canalisation
- Fees to be charged
- Information flow

Manuals should also include instructions on reinforced checks where, subsequent to unfavourable results, the 10 following consignments of a similar nature and origin need to undergo systematic inspection and sampling.

In order to enhance the efficiency of inspections, an **annual inspection plan,** including a **sampling plan,** shall be drawn up. This plan should be a part of a wider national monitoring plan on residues, pathogens and contaminants. The sample plan should be drafted on the basis of statistics on import flows and information concerning previous inspections and on the risks related to public and animal health received from other services, other countries, the EU and international organisations.

The use of **standardised forms** is one important step towards a more reliable and transparent veterinary border inspection regime. The EC legislation provides standardised forms (see the common veterinary entry document (CVED) forms according to Commission Regulation

(EC) No. 136/2004[9] and Commission Regulation (EC) No. 282/2004[10] for the documentation of the information provided to the border veterinarian on the consignment and subsequently the decision made by the border veterinarian). Separate templates are for foodstuffs and other products of animal origin and for live animals.

These standardised forms contain valuable information on the consignment for the inland veterinarians, including its authorised destination and use. This is an important safeguard: in cases where there is no standardised form accompanying the consignment from the border to the inland establishment, the inland veterinarian is alerted by the fact that the consignment has been illegally imported without being forwarded to the veterinary border inspection.

These standardised forms also serve as a tool for controlling consignments that are not approved by the border veterinarian for free movement inside the country. There may be consignments in transit whose exit from the country needs to be controlled by the border veterinarian at the BIP of exit. The standardised form relating to the transit consignment is sent by the BIP of entry to the BIP of exit as preliminary information. There are also consignments that have only been approved for certain purposes, for example, raw material to the pet food industry or live animals to quarantine stations, where the standardised form is used to inform the inland veterinarian about the consignment.

III.1.4. Human resources and training

The objective of **systematic human resource management** (HRM) may be achieved most easily if a separate organisational unit is entrusted with it at the central level. A **clear human resource (HR) policy** should be in place, including **objective and transparent recruitment procedures** based on job-related skills and training. **A detailed job description** should be available for every position. Depending on risk analysis and traffic flow, a sufficient number of **adequately trained and specialised personnel** should be available (e.g. document experts; see also section III.2.3.3 on search units/teams) and a functioning **substitution system** in place, including clear documentation and information exchange procedures ensuring that all the necessary information is forwarded to the substitute.

As part of personnel policy and strategy, BCP/ICS managers should regularly monitor, and randomly check, that staff are carrying out their duties in accordance with a "**code of ethics**", a document that should be made available to all BCP/ICS staff. It should describe what constitutes misconduct and which sanctions result therefrom. Any misconduct needs to be reported and have disciplinary consequences, especially if it entails abuse of powers. To ensure the consistency of controls and discover possible misconduct, the management could be supported by using a system of anonymous and unannounced controls.

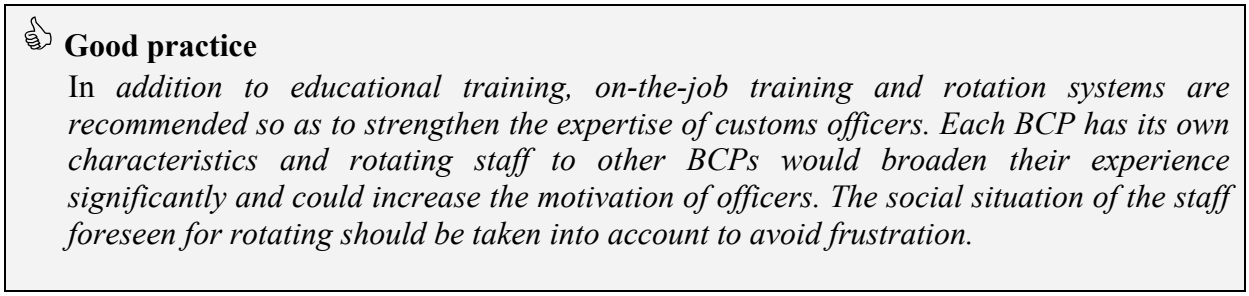
[9] Commission Regulation 136/2004 lays down procedures for veterinary checks at Community BIPs on products imported from third countries.

[10] Commission Regulation 282/2004 introduces a document for the declaration of and veterinary checks on animals from third countries into the Community.

As also described in the Customs Blueprint, BCP/ICS managers should ensure that operational instructions regarding the **motivation, satisfaction and safety** of their staff are applied. The satisfaction of employees should be monitored and taken into account for the improvement of personnel policies and systems. This can be done, for example, with periodical questionnaires (anonymous if desired) regarding conditions of service, the working place environment or the performance of the respective BCP/ICS manager and so on.

As part of a comprehensive HR policy, **career development** should not only be based on individual performance checked against objective criteria by the supervisor, but it should also be supported by a **coherent training policy and strategy** developed at the central level. Such a training strategy should comprise **theoretical and practical on-the-job training of new recruits**, as well as **continuous general and specialist training** based on **regularly updated curricula and manuals**. The introduction of a **train-the-trainers/multiplicator training system** should be considered for the latter, as well as the **joint training of officers with different profiles** in order to encourage cross-fertilisation of ideas.

At the same time, the **training of managers** in relation to management and job-specific skills should not be neglected. Neither should the development of general **language and computer literacy** skills in all staff, which should be targeted towards the differing needs.



III. 1. 4. 1 Border guards

Persons performing border police duties should be specialised, trained professionals. The **training** should be based on **three levels:**

- Centrally: basic and advanced training
- Regional specialisation
- Local handling of items of particular attention

Internal regulations adopted by the central level and based on international standards (i.e. the core curriculum for border guards and the agreed curricula for first- and second-line document experts) should regulate the training, while the regional level handles the organisation of implementation and evaluation.

The implementation itself should be carried out either by the regional or the local level. The head of the BCP and surveillance post has the main responsibility for the implementation of staff training (identify training needs of his staff and carry out certain in-service trainings). Specialised training should be organised and carried out by the regional and central levels.

Good practice

The core curriculum[11] designed for all border police officers of the EU constitutes the minimum EU requirements for border police training. All Member States should implement the provisions of this document, but they are free to expand the content and the time frame according to their national interest.

If the training for general police and border police is separate, additional **joint training sessions should be held** and corresponding manuals developed in order to ensure a common law enforcement approach and facilitate future cooperation, also through personal contacts. Such training could cover such topics as:

- General knowledge of travel documents, visas and residence permits[12]
- Asylum and migration laws
- Detection and handling of irregular migrants
- Detection of smuggling of and trafficking in human beings
- Detection and processing of forged documents
- Detection and processing of stolen vehicles, drugs, weapons, explosives and dangerous substances
- Competencies in the case of petty (administrative) offences related to checking and surveillance of the border

The initial and advanced training should be **followed up at regular intervals by refresher courses at the central and regional levels**.

III. 1. 4. 2 Customs

The HRM system should reflect the principles set out in the **Customs - Human Resource Management Blueprint**, which refer, for example, to the definition of roles and codes of ethics mentioned above.

In the interest of flexibility it is recommended that **all customs staff should be capable of carrying out the full range of customs duties** at a BCP. Where available, mobile resources (mobile units) should be used to supplement BCP controls. At ICSs, all staff should be capable of performing the tasks related to transit and temporary storage, release for free circulation and making entries in relation to procedures with economic impact and export. Special knowledge is required for the performance of the tasks related to post-clearance control with regard to value, origin, procedures with economic impact, end use and regimes related to goods exempt from customs duties.

[11] "Core curriculum for border police training" report of the Austrian and Swedish delegations to the Strategic Committee on Immigration, Frontiers and Asylum, Brussels, Council of the European Union, 8 May 2003.

[12] Any authorisation issued by the authorities of a Member State allowing a third-country national to stay legally on its territory, with the exception of: a) visas; and b) permits issued pending examination of an application for a residence permit or for asylum.

It is recommended that a HRM system be set up in the framework of a staff policy and strategy that defines precisely the responsibilities of ICS/BCP managers, including performance management and assessment of staff.

Training should reflect the principles set out in the **Customs - Training" Blueprints** and a corresponding training policy and strategy should be developed that ensures regular training for staff structured in different modules. A **customs school or academy** responsible for the basic training of customs officers **would guarantee the consistency of training**.

Seminars, especially training in good practices, should be offered at BCPs and ICSs. The role and responsibilities of BCP/ICS managers should be defined as regards their competencies in the field of training, by identifying the needs of their staff, for example, for special training on control procedures, IT applications, language training and so on. Training needs, indentified by the BCP/ICS managers that cannot be offered by the BCP/ICS should be forwarded to this customs school or academy.

Common training for all customs officers should be arranged on a regular basis to refresh and update their knowledge, but also to obtain information about problems that occur at BCPs/ICSs. Specific training manuals should be drafted and regularly updated.

III. 1. 4. 3 Phytosanitary and veterinary inspection

The **phytosanitary and veterinary inspection services need strong scientific support** from an efficient, adequately staffed, trained and equipped body of specialised scientists, in the form of rapid sample diagnosis, regular and programmed technical training and scientific advice on inspection and survey procedures.

A working group of qualified and experienced inspectors should undertake the essential task of **issuing instructions**, to be written and presented **in an "inspector-friendly" form**. Specific training manuals should be drafted and regularly updated.

Common training for the whole staff should be arranged on a regular basis. In addition, refresher courses on identification of harmful quarantine organisms and animal diseases as well as food and feed hygiene deficiencies, training in scientifically based inspection and sampling procedures and other topics should take place every year. In order to be capable of operating according to EU standards, the inspection services should develop and initiate nationwide inspector training in the form of ongoing formal training programmes.

III.1.5. Communication and information exchange

The main objective regarding communication and information exchange is clearly the **regulation and standardisation of an efficient and rapid flow of information and of documentation procedures**. A valuable tool to enhance the exchange of information at the horizontal level, that is, information exchange between units at the same level, could be a ***jour fixe*** **for each organisational unit**, as well as regular **interdepartmental meetings**.

In addition, both the vertical flow of information from the central level to the local level (top-down) and from the local level to the central one (bottom-up) need to be addressed: **up-to-date information is necessary for the performance of duties at the BCPs/BIPs/ICSs as a basis for decision-making**.

> **Good practice**
> *As a standard in EU Member States, every second month a meeting between central level and BCP/ICS managers is held to discuss new information, regulations and specific problems.*

For this purpose, all relevant information received from international sources as well as from field sources or the central level in the form of notifications or general guidelines/policies should be centrally transmitted to pre-identified persons at the BCPs/BIPs/ICSs responsible for further dissemination. A **central analysis unit** (see section III.1.5.1) should be responsible for the collection and analysis of information for the purpose of risk analysis.

At the same time, the **central level** needs to be supplied with statistics and relevant information in order to be able to use them as a **basis for instructions and planning, as well as for the auditing** of the performance of the service at the BCPs/BIPs/ICSs. While such statistics and the results of checks can be reported back more infrequently, the other main information from the field, namely, about any incidents relevant for the dissemination of emergency information, needs to be transmitted immediately. The bottom-up information flow should also be similarlyorganised so that the centre can **react rapidly to new risks and changing situations**. If during an inspection carried out at a BIP an alarming discovery is made, it is equally essential that this information be forwarded to the upper level without delay. Assessment of whether the problem has large-scale or only local impact can only be made at a level where information from all BIPs is gathered.

For all of these flows of information, including the flow of information to clients, it is thus important to establish **operational instructions and manuals**. The central units should develop clear procedures, defining which information should go to which unit, in which form and how often. This also includes the development of **standardised forms**.

Important questions to be addressed are, for example: Which information has to be gathered at the border? Which documents are needed at the border and by whom, which information is provided to which departments of the service? What happens to the documents (forwarded/copied/entered into a database)? How are the results of risk analysis communicated? How are new procedures, instructions and legislation communicated to BCPs/BIPs/ICSs?

Regardless of whether the information between headquarters and the field is in paper form or sent via online databases, it needs to be not only standardised, but also **smooth and reliable** and – for reasons of interoperability – based on internationally agreed standards**.**

One of the basic elements increasing the effectiveness of the border services is the **availability of a modern IT system**, provided of course that adequate training and instructions are given for its use. The exact needs of the various services have to be identified, as in some cases a basic IT system may suffice, whereas in others more advanced solutions may be required. **Data protection** should be given due consideration.

Where networks between central, regional and local levels can be established, the IT system should:

- Ensure automated information exchange and communication within a unified system (development of clusters: central, regional and local), for example, through the Intranet
- Provide for an efficient and timely system of collecting, processing and distributing information on all border activities with real-time access for authorised users
- Allow for data flow management, including the logging of access to data
- Include a central alert system
- Include the possibility of creating statistical summaries
- Ensure security, for example, through fire walls, cryptography and so on
- Allow links to electronic border protection equipment

Connection to the Internet and a secure Intranet system should also be considered for users where this could benefit the objectives of IBM, for example, identification of new international trends in cross-border crime or gathering information on actors in international trade.

The Western Balkan states should focus especially on the development of **regionally harmonised integrated information systems for their national border guards**. Such systems could provide reliable information exchange for the region to meet the internal needs of the various border guard forces, as well as enable exchange of data with external institutions.

III. 1. 5. 1 Central analysis unit

The implementation of effective risk analysis depends above all on the extent and quality of the information and intelligence available to the respective administration. Hence there is a need for reliable and complete information, usable at both the national and the local level.

A **central analysis unit** (CAU) **or operational centre (OC)** should be **responsible for the intelligence work** within the whole customs and border guard administration, respectively. The CAU should be an information "pool" with contents gathered and filed from all kinds of sources:

- Strategic intelligence received by the CAU (general)
- Operational intelligence received by the CAU (a "hotline" for the general public, etc.)
- For customs, information from trade partners as a result of a special MoU
- Information on the basis of special agreements with other agencies and official bodies (police, etc.)
- Contacts informants

- Staff
- Feedback received on the basis of analysis of the results of previous actions

For this purpose, the **CAU must develop good working relationships with all enforcement officers** as well as units/sections outside the enforcement sector. Good cooperation with other enforcement agencies in the country is also essential.

The CAU will produce statistics and strategic and operational intelligence reports. It is also responsible for developing and adopting new intelligence methods, following up intelligence reports, maintaining the quality of work and raising the performance of the staff. It should also be responsible for the management of databases.

Good practice

Operational centre. *The Montenegro Customs Administration (MCA) has established a fully equipped "operational centre" (OC), which acts as the nerve centre for analysis and dissemination of information and intelligence to other customs offices, including operational teams. Such OCs assist in risk analysis, targeting and selectivity and are also linked to regional intelligence liaison officers (ILOs) who have responsibility for BCP liaison and inter-agency information/intelligence exchange. Legal basis: internal instruction/agreement.*

A corresponding OC has been established by the Customs Administration of Serbia (CAS). Legal basis: internal instruction/agreement.

III. 1. 5. 2 Border guards

The Schengen Catalogue recommends a **two-way information exchange** between central and local levels of the border guard structure. A secure database is to be established to exchange experience between units and to distribute intelligence.

To enable closer cooperation and increased operational effectiveness of the law enforcement bodies, a system for **communication and information exchange** should be established **between the border guard and other law enforcement authorities**. For example, information exchange on criminal records or on developments and practices in the field of document falsification or smuggling methods would be of mutual benefit.

The border guards process personal data in order to perform their law enforcement, crime prevention, policing, defence and public administrative tasks. In order to perform those duties, the border guards may take over data from other data-processing systems. The data transfer should be documented by both the transmitting and the receiving agency.

Compatibility of means **of data storage and transmission** is an important factor in the efficient exchange of information and should be kept in mind not only between border guards

and other law enforcement bodies, but also in relation to a future connection to the Schengen Information System.

To perform their law enforcement, crime prevention and alien policing duties, the border guards may request data from the agencies keeping the registries of personal data and addresses, the national vehicle registry, the registry of criminal offenders (those whose convictions have been upheld by the courts), the registry of those held in penitentiary institutions, the registry of those restricted in their foreign trips and the registry of passports, the registry of border signs and the alien policing registries, irrespective of the constraints of the general work order.

An efficient analysis of phenomena finally makes it increasingly necessary also to **gather information from abroad** (from embassies and diplomatic missions, that is, on visa and residence permit applications, and from the pre-frontier area as regards trends in asylum and migration). It is thus increasingly important to also devote sufficient attention to the issue of liaison officers (LOs) and/or ILOs to obtain those necessary data.

III. 1. 5. 3 Customs

Communication and exchange, as well as dissemination of information and the easy access and availability of updated information **are essential for**:

- **Consistent and uniform decisions** when applying customs procedures
- **Functioning risk management**
- **Smooth flow of traffic of people and goods**

Instructions on proper information management should thus be established with the obligation for every customs officer to be familiar with the content of any transmitted information before starting his or her daily work. A manual containing all customs procedures and the necessary steps at BCPs/ICSs should be released in order to achieve uniformity in the implementation of customs procedures.

Good practice

Search guides*. The Montenegro Customs Administration (MCA) has adopted and distributed a number of operational guidebooks produced by customs and fiscal assistance officers (CAFAOs) concerning targeting and control and search of private cars, trucks, containers, coaches, vessels, railways (rolling stock) and passengers and baggage. These books are in both hard copy and electronic mode. They also come with a training module to aid sustainability. A customs officers' handbook has also been provided in A5 size to fit into the pocket and to act as a permanent "aide-memoire". Legal basis: internal agreement.*

A corresponding operational guidebook was adopted and distributed by the Customs Administration of Serbia (CAS) in Serbia. Legal basis: internal agreement.

Communication among customs officers should be encouraged through **regular working meetings** and **common training of officers** of different profiles at BCPs/ICS, but also at a customs school. This would encourage cooperation and information exchange among officers, thus leading to better-informed customs officers.

It is important to enhance the IT and communications network between border, inland and regional offices, but also the information exchange with the trade and the public further described in chapter III.4.2. In all these efforts, cryptographic security has to be taken into account, especially where transfer of sensitive data is concerned.

When developing new IT systems, it is further necessary to assess how they can at a later stage be linked with existing EU systems. This can be established in consultation with the Anti-Fraud Office (OLAF) of the European Commission.

A customs Intranet should be available at the national level to allow secure communication and rapid distribution of all kind of information between all customs BCP and ICS and the central level of customs. In this way, general information can be made available to all customs officers applying customs provisions.

In some countries databases have been established covering the harmonised tariff, origin/preference rules and samples of origin certificates and stamps, risk information, duty rates, computerised tools to calculate the duties and tabulate the results of the work of the customs laboratories, information about seizures and the methods used in detecting the irregularities in question.

> **Good practice**
> *The Croatian Customs Administration. At pilot BCPs such as Bregana, Bajakovo, Zagreb Airport and the Harbour of Split, uses a standardised and rapid form of information exchange in the area of risk management. The standardised 5x5 form (see annex III) is used to forward information to the central level as well as to the local level. This practice has already achieved excellent results.*

> **Good practice**
> *As a standard in EU Member States, daily communication between BCP ICS managers and customs officers is seen as necessary to discuss and solve daily problems.*

III. 1. 5. 4 Phytosanitary inspection

Records of all actions, results and decisions concerning the regulation of phytosanitary inspection should be kept. All **important decisions and actions** of a phytosanitary service at the border (e.g. refused consignments) should be **immediately communicated to the single central health authority** and all other services that may be involved in a specific case. New regulations or decisions should also be sent to all border inspection services as soon as

possible and early warning systems should be in place in accordance with EU good practices. An information system is required for phytosanitary inspectors at BCPs, which allows them to enter data on inspections and notifications of interceptions of harmful organisms found in order to facilitate the rapid production of statistics and effective information exchange.

If it has been established, at the border posts or at the place of destination, that an imported consignment does not meet the requirements stated in the phytosanitary certificate, does not fulfil the requirements stated in the national legislation or otherwise constitutes a risk to plant health, the phytosanitary service of the BIP shall inform the central level not later than 48 hours after the interception using the standardised "notification of interception" form.

Good practice

When the phytosanitary inspector intercepts a consignment of plants, plant products and other regulated articles being brought into Croatia, he must immediately report it to the competent administration and phytosanitary inspectors on all points of entry. For that purpose, notification of interception of consignment is used, the layout and content of which is laid down in the provisions regulating the issues of information exchange on interception of consignments of plants, plant products and other regulated articles.

Good practice

It is recommended that representatives from the central level regularly visit the BIPs to stay in close contact with the phytosanitary inspectors.

III. 1. 5. 5 Veterinary inspection

The information flow **from the central level** should provide all **necessary information** to the border veterinarians **in a quick and efficient manner** so as to serve as a basis for their decision-making. This is especially important when the import licence system is replaced by a system based on general import requirements given by legislation. The huge amount of information available and accordingly the changing pace of work makes this task challenging for the central competent authority. The use of commercial companies providing information on EU import conditions via the Internet could be considered. The use of this information system, however, requires relatively sophisticated IT equipment and an Internet connection at each BIP. In addition, information related to outbreaks of diseases in exporting countries, acute problems found in food or feed imported from other countries and the rapid alert notifications by the EU should be forwarded to the BIPs. Additionally, **direct access to the Rapid Alert System for Food and Feed (RASFF)** Internet pages maintained by the EU Commission and perhaps in the future information included in the EU information system, **Trade Control and Export System (TRACES),** could also be made available to the BIPs depending on whether the level of the IT equipment at the BIP and the language proficiency of the personnel allow this.

The manual on veterinary border inspection procedures should include detailed information on vertical and horizontal information flow and the needs for information to be provided, for example, information on rejected consignments and results of laboratory checks. The availability of Internet access at all BIPs would ease the information flow considerably and enable the collection of necessary data and statistics in a standard format.

Good practice

Instead of a traditional manual in paper form, a more flexible electronic database has been created on the web pages of the Finnish Food Safety Authority. The web page contains information concerning the procedures of veterinary border inspection, import requirements, safeguard measures and so on. The information is available not only to professionals but to the public as well, thus enhancing transparency and understanding of the work of the veterinary inspection services.

III.1.6. Infrastructure and equipment

It is clear that adequate facilities and equipment are needed for the work at the border, and therefore certain **minimum standards**, in line with EU requirements, must be achieved, These minimum standards vary for each agency and for each type of BCP. It is recommended that they are reflected in a national law or regulation, ideally covering the needs of all border services together.

An **overall investment policy and strategy** should set the required standards and foresee investments for BCPs and ICSs, taking into consideration the volume and nature of their respective traffic: the needs of BCPs and ICSs designated to process high-risk goods are not the same as for BCPs designated to process goods of lesser risk. BCP and ICS managers are – as in the other fields – responsible for the implementation of the strategy and have to report, for example, on the use of equipment.

Good practice:

Sealing and security of commercial vehicles. *Following a CAFAO presentation, demonstrating a number of problems relating to the sealing and security of commercial vehicles, as approved under the TIR Convention, the Customs Administration of Serbia (CAS) has reduced the number of customs stations where TIR inspection and approval of vehicles can be carried out (from 19 to 5) and a more thorough inspection can be performed. Legal basis: CAS internal instructions.*

As every country and every service faces budget restrictions, it is of primary importance to develop **realistic investment plans** to ensure that infrastructure and equipment can be **procured in a structured manner and in accordance with a set timetable, making use of economies of scale**. These plans should cover BCPs, border surveillance units, infrastructure, roads, communication tools, parking space and so on. Specific quantities of equipment needed

should be identified and coordinated with the local level in order to meet the needs of border staff **depending on the local situation**.

Relatively inexpensive equipment or resources, such as hand-held ultraviolet lamps and magnifying glasses or copies of document samples, **should be available to each officer at his or her control line** in order to ensure their regular use in case of suspicion.

Specialised, often extremely **expensive equipment** such as mobile X-rays are normally only used for high-impact operations and can thus be **shared within the service**. Such special equipment should be under the responsibility of the regional and central levels (vehicles with thermo cameras, mobile operations centre, etc.) and in the case of joint actions shared with the operational levels.

According to the Council Recommendation of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the EU[13] the equipment to be made available at points of entry should be determined by reference to the following factors:

- Frequency of passenger traffic
- Current levels of abuse
- Availability of reference material
- Presence of control officers and standards of training provided

III. 2. Inter-agency cooperation

This chapter focuses on **cooperation and coordination between border guards, customs and veterinary and phytosanitary inspection services**. Customs in this regard has a special role, as customs officers should have regular contact with border guards on the one hand and veterinarian and phytosanitary control on the other in their daily work. Customs thus can provide a natural link between these agencies. It is therefore in the interest of the customs authorities to be especially active in ensuring optimal coordination between all partners.

III.2.1. Legal and regulatory framework

Like each authoritative action by a state body, inter-agency cooperation must have a basis in laws or by-laws. The legal and regulatory framework related to inter-agency cooperation should therefore provide a **clear definition of the respective tasks and competencies of the individual agencies** in order to avoid overlaps, loopholes and areas of unclear competence. The definition of tasks and areas of competence shall be in accordance with EC legislation. Additionally, there needs to be a **legal framework for cooperation and mutual assistance**. Based upon this, more specific **terms of cooperation** at the operational level should be drawn up.

[13] *Official Journal*, C 189, 17 June 1998, pp. 19-20.

The general "principle of mutual assistance" should be included in the relevant national legislation. More specific regulations regarding cooperation between certain or all services should be covered by legislation or by one comprehensive **inter-agency agreement**. Alternatively, separate agreements between certain agencies (e.g. the agencies involved in trade facilitation) may regulate cooperation with other relevant services. A common inter-agency agreement is nevertheless to be preferred in order to avoid contradictions between agreements. Inter-agency agreements can further be established at different levels, that is, at the central, regional or local levels. An agreement providing guidelines for cooperation on all types of border and BCPs/BIPs might be supplemented with annexes for the individual types. In essence, all fields of cooperation elaborated upon in this document need regulation in one form or the other, among them:

- **Information and data exchange obligations and mechanisms**, including a reference to data protection (see chapter III.1.5)
- **Cooperation procedures** at BCPs and inland, including joint operations and controls
- **Joint training**
- Guidelines in **sharing of equipment** and joint procurement, if applicable
- **Contingency plans**

Inter-agency agreements should be designed to assist in clarifying legislation and support the general and local cooperation arrangements between the various border authorities. At the same time, they may also serve as an initial stage of cooperation arrangements, which later can be converted into legislation.

Special emphasis should be put on areas where the responsibilities of several agencies tend to correlate and where assistance by other agencies would be especially useful, for instance, in detecting persons attempting to cross the border illegally, preventing or detecting customs crimes and offences, smuggling of drugs and stolen vehicles, and illegal transportation of waste, harmful chemical substances, radioactive and nuclear material and other dangerous items across the border.

Care should be taken to **ensure that the agreements lead to *closer* cooperation, and not to *less* control.** The latter could happen if services start "closing their eyes" to issues that according to the legislative and regulatory framework, fall under the authority of another service. Officers should be clearly instructed to share any information they consider relevant with their counterparts and should be fully aware of how to react when they do find products that fall under the authority of officials from other agencies, especially when the latter are not present. If the relevant agreements are formulated in very general terms, they should be supplemented with **clear instructions** as to how to implement them. Once the agreements are signed they should be made available to all staff by their individual agencies.

While inter-agency agreements developed by Western Balkan states should not be in contradiction to European Community legislation, they can contain elements needed to solve problems during the interim period pending a possible EU membership.

Changes in areas of competence of all involved agencies resulting from the harmonisation of national regulations with EU regulations, or changes in the EU *acquis* itself should be **monitored on a continuous basis** in order to identify at an early stage problems that these

changes may cause in the interaction between agencies. Most effectively, these topics might be addressed by a joint working group on legal issues.

The section below focuses on topics that could be covered by inter-agency agreements between customs and border guards, and between customs and inspection services, respectively. At the same time, agreements between other governmental actors could also be valuable, and MoUs with non-governmental actors could be especially beneficial in connection with trade facilitation.

Another topic addressed in relation to the legal and regulatory framework is the **cross-designation of responsibilities**, which might be considered for certain BCPs or types of mobile control only or in general.

III. 2. 1. 1 Agreements between customs and border guard services

Agreements between customs and border guard services are of special importance, as these two agencies need to cooperate closely on a day-to-day basis when checking persons, accompanying documents and the vehicles with which they enter or leave the country. An agreement between the border guard service and the customs service **should thus facilitate a closer coordination of this interaction** and should clarify any action to be taken i.e. especially the division of responsibility when the smuggling of goods that constitute a threat to society (weapons, drugs, nuclear material, etc.) is involved.

Good practice:

In Bosnia and Herzegovina an MoU on cooperation between state border guards (SBS) and the independent Tax Authority (ITA) was signed in January 2006. The MoU clearly defined the competence of the ITA as the authority responsible for the movement of goods and crimes related thereto and the SBS as being responsible for the control of persons crossing the state border and criminal acts against the security of the state border. The MoU establishes the obligations:

- *Of both parties, without impacting their respective jurisdictions*
- *To co-operate on all levels of organisation on a number of issues listed in the MoU*
- *To render mutual assistance with the purpose of preventing and detecting crimes and offences related to the border*
- *To exchange relevant information and documents,*
- *To ensure joint use of available equipment*
- *To co-ordinate their work to facilitate movement of goods and persons*
- *To organise and co-ordinate joint activities*
- *To organise and co-finance common training programmes as well as courses for the agencies' staff especially in the field of basic training for customs and police officers.*

According to the MoU, it is foreseen to hold at least two annual meetings of the agencies' management as well as meetings at the regional and local levels to discuss topics of mutual interest and exchange information. LOs at all organisational levels should also be appointed. Relations with the public should be maintained with mutual consent. For any other kind of cooperation the agencies may conclude specific protocols.

III. 2. 1. 2 Agreements between customs and inspections services

Inter-agency agreements could further be concluded between customs and veterinary and phytosanitary agencies, supplementing the legal requirements and thus clarifying the respective responsibilities and specific working relations. Customs officers should be fully aware of how to react when they find products that fall under the authority of veterinary or phytosanitary officials, also when the latter are not present. Proper guidelines should be available with regard to the handling of confiscated goods, including their possible destruction, as well as responsibilities for storage of such goods and related cost issues. On the basis of the existing procedures and practices of EU Member States, it is advisable to **establish central and regional agreements between customs** (border guards) **and phytosanitary/veterinary services** regarding the responsibilities, competence, information flow, order of inspections, control of personal luggage and pet animals, and so on, both in general and in on-the-spot details.

Such agreements should take into account the requirements of European Community legislation, as, for example, regarding customs assistance to border veterinarians. According to Council Directive 97/78/EC, the customs service is required to assist the border veterinarians in carrying out their tasks related to veterinary border inspection. It is, for example, stated that the customs can allow customs clearance only in accordance with the decision of the border veterinary services. Before customs clearance of a consignment, customs officers are required to ascertain that the veterinary border inspection fees have been paid or at least that there is enough evidence that they will be paid. The customs should also undertake investigations at the request of the border veterinarians in cases where the BIP of entry lacks the confirmation that a consignment designated for transit actually left the country within the given time frame.

There are also regulations in the EC legislation regarding points of convergence between the veterinary border inspection and the customs regime. There are requirements for customs procedures that should be foloowed in relation to consignments of animal origin in transit or being channelled to a certain destination. Commission Regulation (EC) No 136/2004 clarifies the procedures in cases when consignments that have already received veterinary clearance remain under customs control for later release.

The duties to be carried out by the customs at BCPs without a BIP should be laid down clearly in the legislation. In general, customs should refuse entry of such consignments apart from certain exceptions such as small consignments introduced, for instance, as a part of a traveller's personal luggage and pet animals. It should be clearly stated in the legislation that these should be randomly controlled at the border as a part of normal customs control.

An agreement could also be concluded on the development of a shared national laboratory network for the use of various agencies.

III. 2. 1. 3 Cross-designation of responsibilities

The **customs or border guarding services may** – in accordance with national legislation – at the request of another agency **perform certain additional controls that are under the competency of that other agency**. In such cases, care should be taken that the integrity of roles and functions of the respective agencies as defined by the competent authorities is maintained. The regulations that need to be developed to create the **legal framework** for these controls **should provide details of the terms and conditions for such controls**. Respective instructions should be developed in cooperation between the involved agencies – the agency with the overall responsibility/competence and the agency taking over the responsibility for implementation in accordance with the agreement. This option has, apart from the advantage of further increasing inter-agency cooperation, also obvious advantages as regards cost-effectiveness, as it is cheaper than employing additional staff and resources at BCPs. Additional costs for the implementing agency are addressed through the national budget.

III.2.2. Institutional framework – inter-ministerial working group

In order to provide a clear institutional framework for cooperation and coordination between the services involved in border management, an **inter-agency working group** with clear terms of reference (ToR) should be established and should include relevant focal points of the various services at the decision-making and operational levels.

The **main task** of such an inter-agency working group is the **development and implementation of the national IBM strategy and action plan**. In addition, objectives could include a transparent **categorisation of BCPs,** development of a **common risk strategy** and **selection of priority BCPs for co-ordinated resource allocation.**

In addition to permanent structures, ad hoc working groups could be set up on specific topics, such as special controls regarding falsified bank notes or prevention of introduction of avian influenza. Such working groups would include representatives of all agencies whose task is related to the specific topic.

III. 2. 2. 1 Coordination structures

In terms of institutionalisation, inter-agency cooperation starts with the creation of **an inter-agency working group at the central level** that includes all the national authorities involved (most importantly the services present at the borders), clarifies their respective roles and oversees the development of a comprehensive approach to greater efficiency and effectiveness in border management by formulating national objectives and a related work plan (for further details see part V). Operating under different names in each state, from "inter-ministerial group" to "state commission on border M\management", good results have been achieved with the introduction of such institutional frameworks for cooperation.

The aim of the inter-agency working group is to **improve communication** among the participating agencies and to **ensure coordination** in terms of the development of new

activities and infrastructure, making use of synergies in the framework of a common strategy in the management of national borders.

Among others, the tasks of the inter-agency working group could include the following:

Cooperation at the national level:

- **Developing efficient cooperation mechanisms** with other governmental bodies or international stakeholders and coordination of work related to the state border administration
- Common **identification of or agreement on priorities** of the national border management system, including:
  - A common risk strategy based on common European standards and ensuring that controls are carried out in the most effective way, building a comprehensive control network (at the border and inland)
  - A strategy for the implementation of IBM supplemented by a relevant action plan
- **Overseeing the implementation of the IBM action plan**, as well as the regular evaluation and updating of both the IBM strategy and the action plan
- **Coordination of procurement** of equipment and of BCP infrastructure development
- **Crisis management** in relation to borders and resolution of disputes between services

Cooperation at the international level:

- Undertaking work related to the **conclusion of international agreements** connected with border issues
- Coordinating strategies with neighbouring countries
- Comprehensive resolution of problems concerning the crossing of the border of persons and goods
- **Coordination of external funding** (i.e. CARDS, International Financial Institutions and others such as the instrument for pre-accession assistance (IPA) currently in preparation) related to border management

While the responsibilities and tasks of the high-level coordinating body will differ depending on national structures and the needs of the country, the respective ToR should be clearly laid down in a legal or sub-legal document and include the level of representation (making reference also to the attendance of non-permanent members or the possibility of associating further services in relation to certain questions). Owing to rotation, especially at the senior level, **reference to specific names should be avoided**.

Furthermore, the relationship with other inter-ministerial working groups (if they exist) and the possibility of creating sub-working groups, such as in the form of a more **operational implementing body**, should be clearly defined, as well as unambiguous procedures for resolving conflicts. This is especially important as the representatives of the coordinating body should be of a sufficiently senior level to allow for proper decision-making authority, and would thus need the support of an operational-level sub-working group or several **topical expert groups** in the drafting of IBM documents, laws or agreements. The ToR of this sub-working group should also be clearly defined, including regular reporting to the high-level body on its activities; the group could also have additional objectives related to coordination/cooperation at the operational level, such as the joint auditing of BCPs.

For both groups, the high-level working group and the more operational sub-working group, the frequency of regular meetings – which would range from quarterly to biannually at the higher level – should also be laid down in the respective ToR and allow additional meetings to be held on demand.

III. 2. 2. 2 Common risk strategy/control network

Within the EU, it has been reaffirmed that a joint approach to risk management strategy and methods based on common EU-standards is essential (see also information on risk analysis in chapter IV.3.) and could further contribute to the rationalisation of the control system at the borders. The starting point should be the identification of those controls which can be moved from the borders (e.g. inland) without having a negative impact on the risks they address, and those which have to be carried out at border posts. The objective is to ensure that **priority is given to the need for security and that controls are carried out where they are most effective**, but taking into account the requirements of EC legislation on checks that should be carried out at the border.

On this basis, a comprehensive rationalised common risk strategy can be developed, identifying and addressing the strong and weak points of the present border-related activities. One point in creating a comprehensive control network based on a common risk strategy could be, for example, the identification of adequate inland control points on major transit routes and the establishment of mobile units of customs officers and border guards.

The **controls** that must be maintained at border posts as well as at the green and blue borders for reasons of safety and security **have to be weighed in order of priority**. All authorities concerned must work together to establish these priorities and to define the relevant common risk profiles. The profiles established must then be used to select the most useful information for risk analysis from the data made available by all agencies concerned and to identify any improvements or innovations that may be necessary.

It is vital that customs share relevant information, in particular related to current contraband, smuggling and trafficking practices, with other agencies in order to improve the common risk strategy. Traders have to declare their goods to customs, which, based on the customs tariff combined with common risk profiles and additional risk-related information/intelligence, carry out an initial risk selection. This allows for centralisation of data collection and simplifies administrative procedures for the traders. Relevant information/intelligence is shared between the agencies at the central level, or at the level of the BCP in the case of last-minute intelligence.

For this joint risk management to be effective, a common approach to the control of vehicles is also essential. Controls required must thus be defined and standardised, determining where and by whom controls should be carried out and whether one service should have priority to start its check and which type of specialised equipment is needed.

Examples of a common risk-orientated approach for customs and border guards are the **sharing of risk indicators and intelligence** that can be used to combat trafficking in drugs,

weapons, weapons of mass destruction and nuclear materials. Intelligence is also needed in relation to dual-use goods or precursors and the protection of national cultural heritage. Especially in view of the increased fear of terrorist attacks, closer cooperation between border guards and the customs service should be established so as to prevent the transfer of resources for terrorist organisations.

> **Good practice**
> *As a basis for cooperation with regard to risk analysis, it is recommended to use internationally recognised models such as the EU Common Risk Analysis Model (CIRAM).*

III. 2. 2. 3 Selection of priority border crossing points

Given the limited resources available, **priority border crossing points** for modernisation and development into main entry points should be **selected on the basis of clearly defined, transparent and jointly agreed selection criteria**. For example, not all BCPs need to carry out phytosanitary or veterinary controls, so a reduction in the number of BCPs with veterinary and/or phytosanitary controls must be considered, while the infrastructure and equipment in the remaining ones could be upgraded.

The **upgrading** of a BCP should **be based upon a common and co-ordinated decision of the relevant agencies**, taking longer-term strategies as well as jointly identified priorities into account. A careful analysis of existing and possible future flows of traffic, and risk analysis, is needed as the basis for prioritisation. Based on such objective selection, co-funding possibilities could be identified between various services and with international stakeholders.

The selection of BCPs must also be **co-ordinated with the neighbouring countries** to avoid, for instance, modernisation of only one side of the border or that one side has an inspection office that does not have an equivalent at the other side.

It is further recommended to take the **future status of the national borders** into consideration and to identify them as short-, medium- or long-term borders, **with a view to the future expansion of the EU**.

Based on individual considerations it is even advisable to establish one-stop controls (see also section III.3.3.2; required are bilateral agreements on simplified border processing) and thus avoid unnecessary duplication of infrastructure, but rather increase cooperation and interaction between all the agencies involved.

III.2.3. Procedures

The importance of coordination of procedures between agencies is most obvious in their interaction at BCPs, where a **synchronised and efficient workflow** should be aimed for. The emphasis should be on **joint controls** instead of duplication. Procedures should, however, be

agreed upon and laid down in instructions as regards not only day-to-day situations, but importantly also in case of emergency situations. These procedures should form part of a **comprehensive emergency plan**, the details of which need to be adapted for each BCP following general guidelines.

In order to make use of the convergence of interests, as well as to ensure economic use of resources and the exchange of relevant information and mutual assistance, **high-impact operations** on specific topics could be carried out jointly between customs and border guards. As certain operations may be more usefully carried out inland, as defined in the common risk strategy (see institutional framework), the close cooperation of **mobile units** by all relevant agencies is required.

Good practice

It is a longstanding and established practice that customs officers inform phytosanitary inspectors or the ministries of agriculture, forestry and water management about cases when a consignment of plants arrives at a BCP not designated for traffic of plant consignments and for which consignment they are not certain if it would be subject to phytosanitary inspection upon entrance into Croatia. If the consignment is subject to phytosanitary inspection, customs officers forward the consignment to a BCP designated for traffic of plant consignments, so as to enable the phytosanitary inspection to be conducted there.

III. 2. 3. 1 Co-ordinated workflow at the border crossing point

In order to fully **analyse the existing workflow** and thus arrive at proposals for improvement, a detailed description has to be developed for all different forms of traffic existing at each type of BCP. Processing times should aslo be analysed in order to build a basis for auditing the performance of the BCP and evaluating the effects of the improved workflow at a later stage.

The workflow description should clearly show which authority checks what and in which sequence. In this way, possible overlaps in checks become obvious and conclusions can be drawn for the streamlining of the border crossing procedures. Below is a brief description of good practices related to these procedures.

Good practice

*A **description of a common basic work flow** is essential and therefore standard in all EU Member States. On entry and exit, the first service in contact with passengers and drivers is usually the border guard service responsible for border control of persons. As a result of their observations and checks, a first set of measures is taken, which could range from clearance to refusal of entry, or even apprehension. All persons and goods crossing the border will undergo a **minimum check** that can **be carried out in the traffic line**. **Based on risk analysis**, officers may decide to **carry out intensive checks** of certain documents,*

*the vehicle or other items related to the crossing of the border. These "**second-line**" **controls** – to use EU- and Schengen terminology – have to be carried out in a separate lane, place or room in order not to hinder the border crossing of persons and vehicles in the "first line". In both cases, **customs and border police should co-operate as closely as possible** in order to speed up procedures. The focus in this regard should be the increased efficiency and effectiveness of the work of both services, not economies of staffing. While each service is concentrating on its basic tasks, close information exchange with the other services affected should be ensured, taking into consideration the possibility of joint controls. Especially if intensive checks are carried out, other services should be given the opportunity to take part in order to avoid duplication and inconvenience for all involved.*

*Officers and inspectors should be **fully aware of how to act if they find items relevant for the other services**. This applies especially to customs officers, who have to be aware of items that fall under the authority of veterinary or phytosanitary officials, also if and when the latter are not present. The customs and the border guards should thus have **positive lists of consignments** that can only enter the country following veterinary or phytosanitary inspection. The products on that positive list should be linked to the customs code system in order to assist the forwarding of relevant consignments to the relevant inspection. Relevant consignments should be forwarded immediately for the inspectors to carry out documentary, identity and physical checks. Samples may also be taken.*

If there is an attempt to introduce a consignment via a BCP where there is no BIP – or the categorisation of the BIP does not include the consignment concerned – entry should be refused by customs or – if no customs is present, for instance, at very small border crossings – by the border guards.

*After the veterinary border inspection has been carried out, the border veterinarian should issue a document containing his decision on the consignment – in the EC a document known as the **common veterinary entry document** (CVED) in accordance with Commission Regulation (EC) No. 136/2004 (for products) and Commission Regulation (EC) No. 282/2004 (for live animals) is used. The CVED documents are lined to the customs procedures by adding a number referring to the customs documents. The original CVED document is then passed on to the customs officer by the border veterinarian, the importer or the shipping agency as a proof that the veterinary clearance of the consignment has been completed. The customs should only allow customs clearance of the consignment in accordance with the border veterinary decision stated in the document. Before clearance of the consignment, the customs should also ensure that the fees imposed by the border veterinarian (to cover the costs of the veterinary border inspection) have been or will be paid. Comparable procedures also apply for phytosanitary inspection.*

A schedule of BCP procedures that clearly describes the control procedures and identifies the respective tasks and responsibilities of customs, border guards and inspection services would also demonstrate such transparency and a client-oriented approach towards freight forwarders. Close cooperation in terms of the processing of goods traffic for the benefit of the clients is foreseen also in the **single-window concept** of the European Commission centred on all

goods and merchandise[14], so as to simplify the clearance procedures for forwarders and thus further reduce processing times.

Good practice

In order for the workflow to be fully synchronised and controllable, and to facilitate information exchange between the agencies on the workflow and results of checks, a ***routing slip*** *(*Laufzettel*) is a valuable tool (an example can be found in annex I). Such a routing slip provides an exhaustive and clear list of controls performed by the different agencies at the border, shows the sequence of checks and lists actions taken by the various authorities, providing the time of control and the name of the officer in charge. This provides for accountability and increased transparency of controls. Austria implemented this practice together with the neighbouring administrations at their common borders until the accession of the neighbouring countries and it is still used successfully at the border with Switzerland.*

In order to guarantee that standardised and streamlined procedures are followed, operational instructions or manuals should be available to all officers based on formal agreements with other agencies. These should include positive lists of consignments that need to undergo veterinary or phytosanitary checks in order to allow officers to take a decision as towhether entry should be refused (if there is no BIP) or the consignment should be forwarded to the relevant authority. Again, EC legislation and good practices should be taken into account when establishing or revising procedures.

Good practice

In Croatia, general guidelines for "Procedures at airports, ports and road – import of commercial goods: covering customs, phytosanitary and veterinary service work flow" have been prepared. Specific procedures can be added in this document.

Similar work flow descriptions in the form of guidelines were also developed during the accession process by the Austrian Customs Administration in 1993-1994 and have been used as the main instrument for shortening the border clearance procedures between all border-related agencies as a benefit for forwarders and importers.

III. 2. 3. 2 Joint controls

Where appropriate, services should consider either joint or co-ordinated controls and **promote synchronisation of activities**. If, for example, any control agency initiates physical examination within its authority, it should inform the other agencies so as to give them the

[14] Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the role of customs in the integrated management of external borders, COM (2003) 452 final reflected in the Council Resolution of 2 October 2003 on a strategy for customs cooperation, Official Journal C 247, 15 October 2003.

opportunity to carry out further necessary physical examinations, as appropriate, and thereby save costs and inconvenience for all parties involved. To the extent possible, **double checks of vehicles and identity documents should be avoided**.

The institutionalisation of joint controls, especially between border guards and customs, can be supported through the appropriate infrastructure: only if border guards and customs services' facilities are close or shared, can routine joint controls be easily institutionalised.

III. 2. 3. 3 Search unit/teams

Depending on the status of the BCP, risk analysis and traffic flow, **BCPs and ICSs should be supported by adequately trained and well-equipped search units (SU) or teams**, or individual experts, from the side of customs and border guards. These teams should consist of two or three officers, each with a different field of expertise, such as textiles, cigarettes, weapons and ammunition, drugs, documents and stolen vehicles, who carry out/support in-depth controls in the second line. To this end, the required human and financial resources, as well as adequate training programmes, equipment and IT support need to be defined. They should work in close relation to the CAU and local intelligence officers in order to process and disseminate locally gathered information. Information should also flow back, and regular feedback should be given. Controls should be coordinated or carried out jointly between services and experience exchanged between relevant experts.

If local police can provide experts in any of the fields, there should be a clear directive concerning how they can support BCP operations. At smaller BCPs the coordination of expert resources should be organised at the regional level.

III. 2. 3. 4 Joint operations

Based on risk analysis, for example after receiving intelligence about suspected smuggling of illegal substances, customs and border guard services might decide to execute specific high-impact operations – at the border, in the border zone or inland through mobile units – to check groups of people, such as passengers on planes from certain destinations, buses from specific countries or transport vehicles/cargo from a particular operator. **Where detailed inspections are made, customs and border guards could benefit from joint operations** as both services have different tasks and access to different information.

Good practice

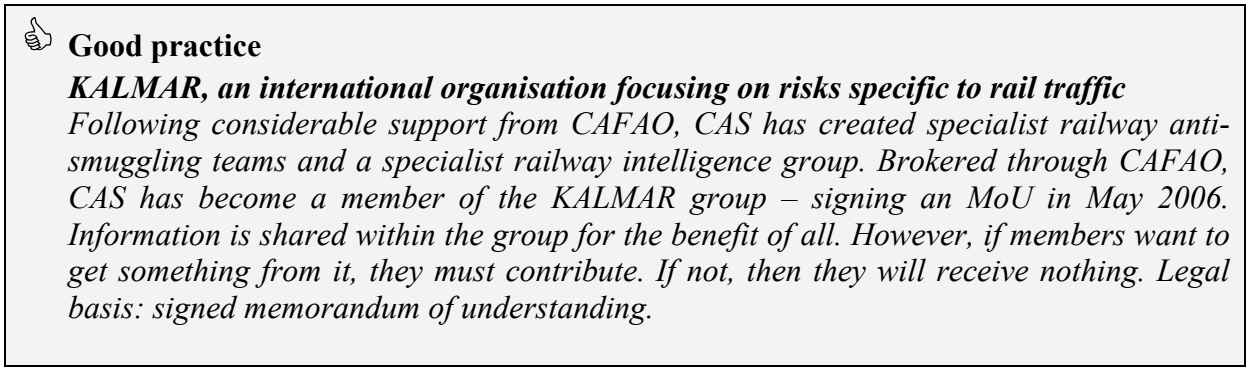
In the case of bus controls at BCPs, it is good practice and standard within EU Member States that all passengers should leave the bus and take their luggage to separate checking facilities thus making it possible to check the persons in a dignified manner while a second team can inspect the empty buses as regards hidden people or smuggled goods. The safety of officers and human dignity should be the guiding principles throughout the whole operation.

III. 2. 3. 5 Mobile units

Depending on the topic, other agencies could be invited to participate in **joint operations carried out by mobile units**, for example, agencies responsible for market inspection, labour standards or illegal employment of foreigners. At the same time, other stakeholders, such as local police stations, should be informed in case they need to be associated/involved on short notice.

The leadership, as well as detailed objectives of the operations and related responsibilities of the agencies, should be clearly defined, as should the communication and reporting structures. A detailed operational plan, to be updated on a regular basis, should include timing, duration, available equipment and relevant contact numbers. Mixed teams should be established to be responsible for the full check of the vehicle as well as any further procedures that might ensue. Team leaders should be well briefed prior to the operation. As with other joint operations, the results should be systematically evaluated and used as a basis for further risk analysis.

If mobile units are newly established, special attention should be given to the relevant legal framework and resulting competencies of the agencies, which may need to be adapted, as well as to the establishment of efficient coordination procedures (national and international in order to avoid double or triple controls on particular traffic routes), especially if several agencies active at several levels (central, regional) are involved.



Good practice

KALMAR, an international organisation focusing on risks specific to rail traffic

Following considerable support from CAFAO, CAS has created specialist railway anti-smuggling teams and a specialist railway intelligence group. Brokered through CAFAO, CAS has become a member of the KALMAR group – signing an MoU in May 2006. Information is shared within the group for the benefit of all. However, if members want to get something from it, they must contribute. If not, then they will receive nothing. Legal basis: signed memorandum of understanding.

III. 2. 3. 6 Contingency plans

Contingency and emergency plans harmonised with EU standards concerning pandemic disasters (currently in preparation) should be developed that clarify the division of responsibilities in case of imminent threats to national security or public health, or extreme situations, such as sevre acture respiratory syndrome (SARS), bovine spongiform encephalopathy (BSE), avian influenza, mass flows of illegal migrants or refugees, terrorist activities or major accidents and fires in the border zone. These **plans should be developed at the central level, but need to be adjusted for the local level**: each BCP should have clear plans outlining the distribution of responsibilities and tasks among the services. Basic issues to be addressed include the availability of contact details of the various local actors to approach in specific situations.

III.2.4. Human resources and training

While training and deployment of staff is often seen as a core management tool of an individual agency only, especially during training clear benefits may be gained for all agencies if **awareness is raised among border staff about links between services and how actual operational cooperation can be improved**. The training should not only target new recruits; it should also form part of continuous, in-service training. The importance of inter-agency cooperation should further be transmitted also to the management of all agencies.

Joint training activities not only have a confidence-building function, but also result in more efficient use of resources and serve to make specific expertise available to other services working towards the same goal. This expertise should also be shared when it comes to **topical training** with the aim of more effective mutual assistance.

The **coordination of deployment of staff** at BCPs can also contribute to smoother cooperation and especially benefit smaller services that may not be able to man all posts around the clock. Changes of shifts at BCPs should be communicated: this would not only be less disruptive, but would also facilitate a common briefing of shift leaders.

> **Good practice**
> *In Croatia a common training plan for customs and border guards and a second one for customs, phytosanitary services and veterinary services was drawn up by experts of the region.*

III. 2. 4. 1 Integrated border management training

Ideally even the basic training of operational staff of all agencies involved in border management should contain inter-agency cooperation aspects. Specifically, officers and inspectors should be aware of the tasks and responsibilities of the other agencies, as well as their respective needs regarding information exchange and other forms of cooperation. Apart from broadening the knowledge base of the officers, this should lead to an improved understanding of each other's work and thus increased effectiveness in mutual assistance.

This awareness-raising should, on the one hand, be part of the **basic training for new recruits – for which trainers from the respective other institutions could also be invited** – but should **also** be available **as a part of continuous training**. As regards the latter, joint trainings could be held for BCP staff of various agencies, which would also encourage the exchange of specific experiences and good practices by the practitioners.

At the same time, staff of agencies with the same or similar goals regarding the management of national borders should receive more in-depth training on specific possibilities of improving respective cooperation at BCPs. This training should target in particular heads of BCPs and their deputies and shift leaders who, within the limits of the legal and regulatory framework, could introduce immediate improvements in the cooperation and coordination at

the respective BCPs. The training methodology should be inter-active and provide enough room to accommodate the ideas of trainees related to their specific situation.

An introduction to the core ideas of the IBM concept, namely, the importance of cooperation and coordination in reaching national objectives related to border management, should also form part of the training of middle and high-level management in the individual organisations.

III. 2. 4. 2 Training on relevant topics

Training, which is important in order to ensure targeted support to another agency, would for example include training by veterinary and phytosanitary inspectors for customs officers – on general issues or related to certain topics or specific current threats – or training by sanitary inspectors/health officials for border guards. Systematic training should be given in cases where some tasks have been shifted by legislation from the agency having the expertise to another agency, for instance, the veterinary inspection service should give training to the customs on inspection of pet animals.

III. 2. 4. 3 Joint specialist training

Training in the **detection of falsified travel documents should be standardised** and not duplicated. Therefore the training of consular staff, for example, could be undertaken centrally by the national border service. This joint training approach is economical, allows related procedures to be integrated easily and familiarises personnel with the role and work of other agencies.

Such joint courses could also be organised in other areas where the responsibilities of two services touch each other. For example, issues of border guards directly related to customs work, such as smuggling of drugs, weapons and stolen cars, or work that requires both customs and phytosanitary/veterinarian expertise (smuggling of and/or import procedures for plants, food and animals). The courses should be of an interactive, practical nature and a **special focus should be on coordination of procedures** and the sharing of relevant information between the services.

III.2.5. Communication and information exchange

Regular and efficient exchange of information is essential for effectively carrying out the respective tasks related to border management. In addition to general exchange on changing priorities and risks, exchange/comparison of statistics and operational briefings related to day-to-day operations at BCPs, each agency naturally has special needs with regard to the information it requires from the respective other services in order to fulfil its functions in the most effective way. While these may have to be adapted to specific country situations, general guidelines are also provided below. Data protection considerations should be taken into account in this regard (see chapter IV.2).

Information exchange mechanisms should not only be defined for "business as usual", but efficient **early warning systems** also need to be put in place, be it through a system of contact points in individual agencies or through advanced IT solutions.

At present, in almost all of the Western Balkan states, large projects and programmes are ongoing with the objective of upgrading the IT capacities and database management of various agencies at the border. The project leaders of these projects/programmes and when relevant their local partners should inform each other about their plans and activities in order to ensure proper allocation of the huge sums of – public – money involved. Issues to be coordinated include:

- EU standards in place for particular issues
- Standards and programmes used in general
- Possibilities of exchanging data between the various systems
- Possible advantages of joint tendering for hardware
- Compatibility with international standards and existing EU systems

The communication flow, however, should not be limited to the authorities directly involved in border management. There are also other relevant stakeholders to be taken into account, as for example operators and shipping agencies (possibly subject to advance passenger information/passenger name record (API/PNR) processing), which will be discussed in a separate chapter.

Data flow management analysis can be used to evaluate the effectiveness of information exchange between the relevant authorities.

In order to institutionalise communication and information at all levels, the following is recommended:

- **At the local level:** Heads of a shift of all agencies are in daily contact and chiefs of the agencies present at a BCP have a weekly meeting to discuss ongoing and future programmes/plans, but also problems having arisen since the last meeting.
- **At the regional level:** Heads of the agencies of all BCPs/ICSs in the region have a monthly meeting.
- **At the central level:** representatives of all agencies meet monthly to discuss future/ongoing and past activities and strategies.

III. 2. 5. 1 Information exchange mechanisms

A comprehensive approach to communication, information and data exchange should be taken and agreed upon by all agencies. As a starting point, agreement should be reached on the type of data/information that should be shared and who should have access to those data nd for what reason. The agreed approach should form part of an inter-agency agreement and relevant instructions on procedures should be made available to all staff.

Such a comprehensive approach should include **meetings between representatives of the agencies** at all levels – central, regional and local – with different objectives, from coordination of priorities and long-term strategies, as in the forum of an **inter-agency**

working group (see chapter III.2.2) to the **sharing/comparison of statistics** based on common definitions between headquarters, and at the regional and local levels to the coordination of operations at BCPs.

Regular **short briefings** between the **focal points** of the various services at the BCPs are a simple tool to improve coordination among services at the border. They could report to each other about issues such as the announced arrival of special travellers, animals, products and so on (e.g. very important persons, large army contingents, special animal transport, dangerous goods, weapon transport, and persons on special medication). Other issues to be shared could be intelligence of new smuggling tactics or similar received by one of the services. This could be a starting point for common risk analysis. Regular meetings should be short (10-30 minutes) and focused.

Especially at BCPs, in addition to formal meetings, informal contacts through which officers/inspectors share information relevant for day-to-day operations are important.

Another simple but effective measure, as well as a starting point for possible more advanced mechanisms, is the **establishment of a contact point system**, both for the rapid exchange of early warnings regarding threats and the regular exchange of data.

Pertinent intelligence should be shared as quickly and efficiently as possible with all relevant agencies, always taking data protection issues into account. Only pooling of pertinent information will allow the national border management system to achieve its objective of open but secure borders. For this purpose, integrated or at least compatible systems of information-gathering, secure storage and exchange are required.

Solutions related to the **sharing of data** by several agencies are manifold and can range from responding to individual requests to direct-read access or even common databases. Maintained centrally, these would permit multi-agency access and sharing of information. Different levels of access would ensure that only the relevant information is shared.

Subject to appropriate data security, the information technology systems used by the inspection services should, as far as possible and where appropriate, be integrated with those of customs and with those of commercial operators in order to speed up the transfer of information. To further simplify procedures, as well as in support of a comprehensive risk analysis system, the development of IT systems in line with international and/or EU standards and good practices is essential and should therefore be supported. **In the establishment of new IT solutions, the possibility of later integration with systems of other services should be taken into account** from the outset. Technical solutions should take into account the questions of compatibility – also with relevant international systems – and accountability – that is, logging in to access certain data.

In view of the broad role of the customs service related to markets, the environment and security, regular communication is important both with other services involved in trade facilitation, phytosanitary and veterinary inspection services, as well as with organisations involved in consumer protection, and with border police. The information the services gather is often complementary and interlinked. This should be taken full advantage of, also by

involving officers from other relevant agencies in investigations. The information customs obtains in routine checks of travellers and vehicles, or simply through its physical presence at the border, for example, can assist in detecting international crime, in close cooperation with other security authorities.

IT plays a key role in simplification of procedures. **Electronic forms should be made available**, where feasible, including all information required by agencies involved in trade facilitation. These data could, as regards trade facilitation, be **channelled through the customs administration, allowing for a single-window solution** (this requires electronic communication and data exchange with other authorities).

> **Good practice**
> *The new Internet-based information exchange system TRACES, a tool of the veterinary authorities, could also be made available to the customs service in order to grant easy access to all relevant information regarding consignments of animal origin and live animals. The border veterinarian would receive all pre-announcements in electronic form. After completion of the veterinary checks, the document containing the veterinary decision on the consignment could be forwarded electronically for customs clearance.*

To ensure that all consignments entering the country concerned undergo the necessary border inspection, the veterinary and phytosanitary border inspection agencies should co-ordinate with other enforcement services to gather all pertinent intelligence regarding consignments. This applies in particular to information available to the customs[15], information on ship, boat, rail or aircraft manifests and other sources of information available to commercial road, rail, port or airport operators.

III.2.6. Infrastructure and equipment

Appropriate border infrastructure not only facilitates the work of staff at the border, but can also be **conducive to close cooperation** between services. For this purpose, and in order to ensure that the needs of all services are taken into account, the **development, modernisation and construction of new BCPs should not only take into account requirements deriving from the EU and Schengen, but also be co-ordinated** between all agencies present at the BCP, as well as with other relevant stakeholders such as the ministry of transport or freight forwarders, the offices of which are to be located at the specific BCP.

Minimum standards can be defined, on the basis of the standards to be followed, in a national approach for each type of BCP by the services present at BCPs and be laid down in the form of a law or regulation or another form depending on the country context.

[15] According to EC provision 136/2004, the veterinary border inspection service should have access to the databases (or relevant parts thereof) that are available to customs.

In addition to the possibility of shared facilities, the **sharing of equipment/resources** and **joint acquisition/tendering** could also be taken into consideration for reasons of cost-effectiveness; where possible the creation of a joint tendering office should be envisaged.

> **Good practice**
> *When the governmental agencies of Austria buy their gasoline jointly, a better price can be negotiated with one of the main providers.*

III. 2. 6. 1 Sharing of facilities

Infrastructure at BCPs could be adapted to allow for **integrated control in one building** (goods and passengers separated from goods on trucks) in order to facilitate joint controls and avoid forced duplication of controls. Where this is not possible, the workplaces of **closely co-operating services should at least be placed within easy reach of one another**.

With a view to the efficient use of resources and facilitation of sharing specialised equipment, it is recommended to use service rooms on a reciprocal basis, but taking restrictions related to hygiene and risk of contamination into account. For the customs service, coordination with phytosanitary services, with which equipment and facilities for the inspection of goods and incineration facilities could be shared, is especially important. Apart from incineration facilities, the sharing of infrastructure and equipment is not allowed for veterinary services. **Facilities for intensive checks of vehicles and unloading of trucks should also be used in common**, bearing in mind that ideally the control itself should be carried out by representatives of all relevant agencies.

Furthermore, the use of facilities such as kitchens or common rooms by all services can facilitate informal exchange between officers/inspectors and encourage the feeling of pursuing a common goal.

III. 2. 6. 2 Joint use of equipment and facilities

At the BCPs situated on transport corridors with permanent X-ray and mobile X-ray scanner units, all agencies should have an opportunity to use the equipment. The use of identical brands or types of equipment will limit costs and contribute to joint use of equipment. Although service dogs are highly specialised, sharing such dogs among the services could also lead to good results and cost savings.

Agreements should be established with reference to joint use of equipment/resources, addressing questions of ownership and priority, maintenance, accountability/documentation, responsibilities and the limitation of use of specialised equipment by respective specialists.

Care should be taken that all essential equipment is available to the officers where needed, that is, close to the location where controls are carried out.

Good practice

During a workshop on trade facilitation of the CARDS regional IBM project 2005/2006, a common list of BCP requirements was drawn up. This list should be used by all countries of the region to identify the needs and requirements at their BCPs according to common standards.

Good practice

Services should consider the joint use of human resources with regard to local IT technical support. The IT equipment provided by the different agencies requires constant adjustments in the form of, for example, anti-virus programming, updating of office programmes and resettings. The IT support could also give practical instruction to inexperienced users.

III. 3. International cooperation

Cooperation between the Western Balkan states and their EU and accession/candidate country neighbours is vital for the **development of a common understanding in policing matters** as well as a common approach to **tackling particular cross-border phenomena (trafficking, smuggling and cross-border crime)**. To achieve this goal it would also be important to determine which border crossings to prioritise (common agreements especially in this field are also advisable). Furthermore, the neighbouring states should agree on co-ordinating controls, starting with the basics (e.g. opening times of BCPs) on to the more sophisticated (e.g. one-stop control) issues.

States bordering accession/candidate countries should encourage close cooperation with the border services of those states, which could benefit from their experience in the alignment of procedures and practices to EU standards.

The cooperation of border services of the states that share sea borders is also crucial. The blue border **cooperation** should be developed on a bilateral as well as a regional basis (EU initiatives concerning the Mediterranean should be watched carefully and synergies should be exploited wherever and whenever possible). It is recommended to organise joint operations and to establish national coordination centres, which will facilitate information exchange and coordination of action in this area.

III.3.1. Legal and regulatory framework

In addition to the **delimitation and demarcation of the borders** with neighbouring states and the **designation of official crossing points**, a legal framework should be developed with regard to international **cooperation related to the control of borders**, as well as for **mutual assistance** in the form of international police and customs cooperation agreements. The

development of re-admission agreements with relevant countries is of special significance for the work of the border guards, as are agreements on rejected consignments for the agencies involved in trade facilitation.

In general, all international cooperation should be based on appropriate legislation, which may be **supplemented by agreements and/or MoUs at different levels**. While agreements at the central level may remain in general terms, more detailed MoUs may be needed for cooperation at the local level, including practical solutions for day-to-day cooperation.

Depending on the intensity of cooperation between the two countries involved, bilateral agreements between administrations could cover:

- Harmonisation of day-to-day work practices
- One-stop controls
- Establishment of joint contingency plans
- Associated training/exercises
- Joint patrols
- Cross-border-surveillance and hot pursuit
- Controlled delivery
- Exchange of information
- Designation of an official contact point/LO or establishment of contact offices
- Publication of regulatory information

Good practice

The Governments of Albania and Montenegro have signed an MoU on operating a joint border control post at the border crossing of Murriqan (north-eastern Albania). An international agreement between the two states has been negotiated and was due to be signed in November 2006.

III. 3. 1. 1 Border guards

The agreement between countries related to border security should stipulate:

- The respective bodies selected and authorised to exercise its provisions
- The mechanism of direct service contacts between these bodies (at the central, regional and executive levels)
- Areas of cooperation between the border services of both states (i.e. in the areas of preventing illegal border crossing, smuggling of merchandise and illegal transportation of dangerous and poisonous substances across state borders)
- Detailed forms of cooperation (joint patrols, alternative duties, planning, delegation of officers, carrying out cross-border surveillance and pursuit, operation of posts with mixed staff, establishment of joint task groups, organisation on staff and command exercises, joint training events, contests and exchanges)
- In cases where cooperation has been further developed, and where confidence-building measures have led to close day-to-day cooperation between all the parties involved, provisions could even be developed which under specified circumstances

allow officers to perform duties on the territory of the second state (agreement to allow the respective guards to wear national service uniforms, to use force under conditions and in a manner set by internal regulations of the state on the territory of which the duty is performed)
- Issues of processing and transmission of personal data
- Compensation claims resulting from service tasks realised on the territory of the second state

III. 3. 1. 2 Customs

In general, two kinds of agreements can be concluded between neighbouring countries. The first type is a **border control agreement** introducing:
- The possibility of establishing common border posts on the territory of one of the countries (a specific attention thereby must be paid here to the competences of the customs service that fulfils the duties in the neighboring country, e.g. power to impose administrative fines, etc.)
- Control in trains starting in the territory of the neighbouring country
- Common procedures like introduction of a common routing slip and re-admission procedures concerning persons and goods to which entry is denied

The second type of agreement would be **mutual assistance agreements** in customs matters.

III. 3. 1. 3 Phytosanitary inspection

Bilateral agreements between phytosanitary border services should include, for example, the conditions for the reintroduction of rejected consignments and other practical issues related to consignments crossing the border.

Good practice

An MoU on cooperation in combating introduction and spreading of organisms harmful to plants and plant products, as well as on the development of cooperation in the field of phytosanitary inspections at border posts, has been drafted by phytosanitary experts of all Western Balkan countries in the framework of the regional IBM project. The MoU defines areas and forms of cooperation.

III. 3. 1. 4 Veterinary inspection

Pending the harmonisation of the EC legislation on import conditions, national rules are applied. This concerns, for instance, the procedures for accepting the countries and establishments of origin for import and samples of certificates to accompany the consignments introduced into the country. There are provisions in *Council Directive 97/78/EC* on additional regimes to be followed concerning, for example, rejected consignments, which are to be re-imported into the neighbouring country of origin.

III.3.2. Institutional framework

An institutional framework should be developed that encourages active bilateral relations, both between the corresponding agencies in several countries but also at the international inter-agency level. The latter was already mentioned as one of the tasks of the **inter-agency working group** described in chapter III.2.2. It is further recommended to establish a **regional inter-agency coordination platform** in order to exchange experience and further coordination of national strategies.

In general, the **establishment of an institutional framework for information exchange** is an important aspect of international cooperation. Where each department or subdivision gathers its own information, draws its own conclusions and develops its own actions there is already a danger of duplication of effort within their own authority. A comprehensive approach to institutionalised information exchange is therefore strongly recommended. Such an approach could in addition to regional platforms also include LOs deployed to other countries, common contact offices and participation in relevant international organisations or fora. Furthermore, **participation in international operations or exchange programmes** not only increases the operational capacity of national authorities, but also helps to establish valuable contacts with international counterparts.

Another facet of coordination between border authorities, specifically of neighbouring countries, is **coordination of the status of BCPs**, the prioritisation and related upgrading of BCPs, as well as the **coordination of opening hours**.

III. 3. 2. 1 Common contact offices

Common contact offices are perceived more and more as a valuable tool to speed up information exchange, clarification and forwarding – especially in the case of emergency actions.

The **establishment of such contact offices** (and thus participation in the "European network" further fostering cooperation) **could be envisaged at certain strategically relevant BCPs** or another location in one of the concerned countries. The staff of the contact offices should be comprised of delegated officers (having good knowledge of the relevant language) from the border services of the two or more contracting parties.

The main task of the contact office is **mutual information exchange on daily operations**. This could include requests regarding:

- Forgeries of passport documents, visas and stamps of border controls
- Personal data of owners of means of transport[16], residence and ownership of means of communication
- Identification of means of transport
- Ascertaining the identity of a person

[16] Personal data should be transmitted within the limits set by internal regulations of both contracting states. The issues should be regulated by an intergovernmental agreement on mutual protection of confidential information.

- Re-admission of illegal migrants
- Special operations undertaken by border guard patrols: preventive and control measures carried out in the border zone
- Controlled deliveries[17] and observations
- Information regarding cross-border hot pursuit
- General sharing of intelligence, for example, on forms and methods of smuggling

The contact offices should ensure an efficient flow of information not only for the needs of border guards, but also for the police and customs services of both countries, as well as courts, prosecutors and other authorities (wherever possible in accordance with the respective national legislation). The **customs and police cooperation centres** (CCPD) established between France and several countries as well as the **common contact points** (CCPs) established between Austria and almost all neighbouring countries are good examples of international cooperation.

Good practice

In order to promote the open borders concept of Europe, France has concluded six international agreements with Belgium, Germany, Italy, Luxembourg, Spain and Switzerland from which have emerged 10 customs and police cooperation centres. The CCPD's role is to ease the exchange of operational information for handling cases of trans-border cooperation competence. The CCPD should be considered a tool to deepen European cooperation that can easily be used by the whole territorial public security services.

In specific terms, a CCPD facilitates the identification of foreign registration plates, the authenticity checks of administrative documents and judicial assistance, especially in the field of small and medium trans-border criminality. The advantages of the CCPD: relevant information is official with full access to binational files and databases (available 24 hours a day, 7 days a week).

Good practice

Phytosanitary inspectors of Croatia positioned at one border crossing with Hungary have been located on the territory of the Republic of Hungary for many years now. Although they are not accommodated in the common working premises and do not use the same equipment, this enables direct cooperation on a daily basis with the Hungarian phytosanitary inspection service and other agencies functioning on the state border.

[17] "Controlled delivery" refers to permanent control of an illicit cross-border consignment with the aim of identifying the consignee.

III. 3. 2. 2 Liaison officers

Following the example of the Common Integrated Border Management System (CIBMS), it is necessary to deploy and/or **exchange LOs with countries identified as specifically relevant** (e.g. due to their status as neighbouring countries or countries of origin of significant flows of migrants or goods) **in order to achieve optimal results in the pre-frontier area**. The general aim is to contribute to improved information exchange and coordination of border-related activities – both at the operational and the strategic level.

In doing so there are basically two models – the "specialists" and the "generalists". While the status of the "specialists" (tasked with a particular job) is quite clear, the "generalists" – due to the fact that the deployment of several officers representing different agencies is often not possible – could be considered responsible for coordination of border-related issues and operational information exchange on behalf of all relevant agencies involved, especially border guards and customs.

An introduction to the tasks of LOs and contact offices and how the various services could benefit could be valuable for representatives from all services, be it in the form of a seminar or in written form.

Good practice

In July 2006, the State Border Service (SBS) in Bosnia and Herzegovina established a network of LOs for international cooperation at the local, regional and central levels (so far) together with Croatia and Serbia. Fast and effective solutions for problems that occure can be found by using the network of LOs. Good cooperation, for example, was achieved during the extradition of a person from Greece via Serbia to Bosnia and Herzegovina. Given the flight schedule, the escorting police officers had to wait for several hours in transit at Belgrade airport together with the convicted person. To minimise any risks, the Bosnian SBS LOs at the central level asked for assistance from the LO from Serbia. Serbian police officers at the airport provided a detention facility and all kinds of assistance within minutes.

III. 3. 2. 3 Regional platforms/inter-agency groups

In order to improve regional cooperation and coordination among the Western Balkan states and their neighbours, it is desirable to initiate a regional IBM platform. One important element to further foster regional cooperation is again the exchange of information, which can take place in formal or informal regional information exchange groups on specific topics. One of the tasks of the inter-agency coordination group is to further information on and coordination of national strategies.

III. 3. 2. 4 Participation in relevant international organisations/fora

Representatives of all agencies should **regularly take part in meetings of relevant international organisations or fora**. Where this is not yet the case, membership – or at least observer status – in such organisations should be aimed for.

Border guards should, for example, take part in fora such as the yearly International Border Police Conference in Siófok (Hungary), in the South-East European Cooperative Initiative (SECI)[18] and in the Brdo Process. Customs administrations should participate in regional meetings of SECI, OLAF platforms and meetings of the World Customs Organisation (WCO), such as the heads of enforcement and intelligence or regional intelligence liaison offices (RILO) meetings. In relation to phytosanitary services, membership of EPPO and accession to the Iternational Plant Protection Convention should be aimed for in order to improve and establish international contacts and information exchange. The same applies to veterinary services with regard to membership in the World Organisation for Animal Health (OIE), the World Trade Organisation (WTO) and Codex Alimentarius through the World Health Organisatuin (WHO).

III. 3. 2. 5 Participation in international operations/exchange programmes

Participation in international operations and/or exercises and institutionalised exchange programmes can also **contribute** to the establishment of **valuable contacts with services in other countries**.

Customs services as well as border guards, for example, should participate, if appropriate, in joint actions of FRONTEX and the EU customs administrations to the extent that participation of non-EU administrations is possible.

III. 3. 2. 6 Coordination of border crossing point status

The coordination of strategies and resulting priorities related to comprehensive control networks should take place at the central level. This should help to avoid situations in which BCPs are substantially upgraded or inspection services are represented on only one side of the border. At the same time, the future status of borders with the different neighbouring countries has to be taken into consideration and the borders classified as short-, medium- or long-term borders, if relevant with regard to future accession to the EU.

> **Good practice**
> *The following example should illustrate the problem: According to EC legislation, products of animal origin and live animals in transit through EU territory have to exit via an authorised BIP. On the other side of the border there should also be a BIP where the veterinary border inspection of the consignments or animals entering the country can be*

[18] One initiative of SECI is the SECI Centre, an agreement between states of South-Eastern Europe on cooperation to prevent and combat trans-border crime. The secretariat id located in Bucharest.

carried out. Another example refers to a consignment that is rejected by the border veterinarians at a BIP and then returned to the neighbouring country, where there should also be a BIP at which the veterinary checks related to this re-imported consignment can be carried out.

Not only should the **BIPs be built at the same BCPs on each side of the border**, but there should **also be harmonisation of the tasks and responsibilities of the BIPs**: both BIPs, for instance, should be authorised to inspect foodstuffs or other products of animal origin requiring a certain storage temperature, or both BIPs should be authorised to inspect live animals. Since sharing of equipment is certainly what should be aimed at, common premises at the border would be most advisable.

Coordination of the respective working hours of BCPs is a key factor in ensuring the efficient use of resources.

III.3.3. Procedures

Depending again on the closeness of relations, international cooperation related to border control procedures could range from the establishment of **joint emergency plans and exercises** or **harmonised working practices/forms** to the **joint patrolling on green/blue borders** or **one-stop control**.

Manuals for use by border staff should refer to cross-border procedures and international cooperation activities in the respective fields.

Good practice

General guidelines on "procedures at airports, ports and road – import of commercial goods: covering customs, phytosanitary and veterinary service workflow" have been drawn up to ensure common procedures at all BCPs in the region. Specific procedures can be added in this document.

III. 3. 3. 1 Joint contingency plans

Joint contingency plans and emergency communication mechanisms should be established to deal with unusual cases such as transport of weapons, nuclear material, hazardous chemicals and hazardous waste, extreme security situations, environmental disasters, animal disease epidemics or serious risks related to food and feed hygiene. Related exercises involving all services can help to draw conclusions for the emergency case and further improve procedures.

III. 3. 3. 2 One-stop control

In order to further enhance cooperation and to render the flow of traffic smoother, the EU Council adopted a recommendation on the usage of flexible measures between EU Members participating in the Schengen Agreement and their neighbours in the field of land border control. The intention of the document was to develop a process leading to common control conducted by competent border-guarding authorities.

Since such an effort is by no means limited to EU Member States, similar solutions can be adopted by other countries. An agreement on simplified border processing should stipulate the following:

As a standard of good practice, a respective agreement should stipulate the following:

- What, how and where the controlling authorities operate
- The sequence of control
- Who has what kind of competence and obligation (uniform, firearms)
- Definition of a particular area where each authority can perform their duties
- Where and in what form more intensive controls can be carried out, jointly or independently, and what the content of those controls should be
- What the process is in the case of detection of an illegal act (who has the competence and what kind of competence and tasks exists)
- What the order is of entry, stay or return at the BCP (the area where the control is carried out determines which border control authority is responsible for the order of the BCP)
- If possible, separate control lanes have to be established, where preferential citizens, citizens subject to visa requirements or citizens subject to more intensive control can cross the border
- Order of control at bus lanes

Where one-stop controlis introduced, the directives, requirements and restrictions of national laws and international agreements must be followed and enforced strictly in order to guarantee adequate cooperation. It is very important to **define the rights and obligations as well as the tasks of experts** and assigned staff, and to **agree on methods of contact**. Implementation of the tasks set forth in cooperation agreements must be assessed every month at the local level, every half year at the regional level and annually at the central level.

One-stop control should be established – upon agreement between the neighbouring countries – on the side of the border where the facilities are more advanced or the improvement of the working conditions is less costly. The size of border control boxes and sanitary facilities should respond to the increased requirements.

III. 3. 3. 3 Border guards

In an advanced stage of bilateral cooperation, and only when neighbouring countries have taken confidence-building measures (and the necessary legislation or treaty is in place), starting joint patrols at particularly vulnerable border sections could be considered. The

organisation of joint border patrols on one side of the border (to be decided in accordance with the results of a thorough risk-analysis) will enable economical use of means and resources in border protection and – at the same time – concentrate and group resources directly at the point of most pressure.

III. 3. 3. 4 Customs

The head of a BCP should, within his or her mandate, establish harmonised working practices and practical training within the framework of an **agreement on mutual assistance and cooperation on customs matters**, which should be established with relevant foreign countries.

Harmonised working practices should also be established under the TIR Transit Convention. As a minimum requirement, import and export data are exchanged on a daily basis between the BCP customs staff on both sides of the border.

> **Good practice**
> *Representatives of the customs administrations in the Western Balkan region have agreed to use a standardised information system procedure to inform the countries of the region about offences and suspicions that may be of interest for others. In case of an offence or suspicion customs officers have to fill in a standardised information document (**5x5 – see annex III**) and send it to its national central risk management. The central risk management will share this information with the central risk managements of other countries in the region.*

III. 3. 3. 5 Phytosanitary and veterinary inspection

Cross-border procedures should be followed in accordance with EC legislation and good practices. The use of standardised forms and of procedures to be followed when import conditions are not met and the documentation to be provided in cases of rejected consignments that need to be re-imported are important examples of such cross-border activities.

> **Good practice**
> *An MoU has been drawn up on the written notification of other phytosanitary services in the region about improper consignments not later than 48 hours after interception. For the notification a standardised template is used.*

> **Good practice**
> *It is recommended that the neighbouring veterinary services should jointly develop a standardised form for information exchange on rejected consignments. This form,*

accompanying the rejected consignment, should contain all the necessary information needed for rapid decision-making on the consignment's appropriate use after its re-import (e.g. destruction or sending it back to its place of origin).

III.3.4. Human resources and training

Several training-related objectives can be conceived at the international level: advice and recommendations may be given by **short-term EU experts**; even more can be learned during **study tours** by demonstrating systems operating in EU Member States.

Training events and workshops with international participation and **exchange programmes** are excellent means to learn about practices in other countries and foster contacts with counterparts. This aim could also be achieved by **inviting counterparts from neighbouring countries to training** of national border staff, in national training centres or at respective BCPs.

Specific **training courses on IBM** should also be considered at the regional level, which would allow officials from various border services in different countries to learn about the advantages of IBM, as well as to share good practices and experience.

Basic information about the equivalent authorities of the neighbouring countries, including general legislative background, institutional framework and operational procedures, as well as international cooperation, could form part of the curriculum for new officers and inspectors in order to increase mutual understanding.

In order to fully appreciate the above-mentioned training and facilitate information exchange with international counterparts, relevant **language courses and IT training** should be offered to staff of the agencies involved in border management.

Good practice

MoU of phytosanitary services. *It is recommended that phytosanitary inspectors be exchanged for the purpose of getting them acquainted with the organisation and operational procedures at the border posts of the contracting parties.*

III. 3. 4. 1 Language training

Language skills are a crucial factor in facilitating cross-border cooperation, as well as for information exchange at the international level. Sufficient knowledge to conduct basic interrogations and to explain measures imposed on travellers in case of need is highly desirable.

Consequently, **specialised language courses**, combined with incentives for those who speak foreign languages (especially of the neighbouring country) **should be offered**. One should

bear in mind that the specific procedures and terminology used by the various border services need to be addressed.

For participation in meetings and information exchange on an international level, knowledge of English is recommended.

III. 3. 4. 2 Integrated border management training

The positive experience gained made during the regional seminars and workshops on IBM within the CARDS regional programme should be continued. Exchange of experience during additional training and/or regional meetings should further enhance the capacity of border services, but also strengthen the cooperation and communication among the stakeholders of the candidate countries and EU Member States.

III.3.5. Communication and information exchange

It is essential to set up **effective external communication mechanisms** in order to create appropriate interfaces between border agencies in different countries. Emphasis should be put especially on **neighbouring countries**, **countries of origin of significant flows of migrants**, **strategically relevant exporting and importing countries**, industry representatives within these countries as well as **relevant international organisations**. Communication between border services can be enhanced at the local level (between BCPs), bilateral (central level) and multilateral/regional levels.

In chapter III.3.2, the relevant **institutional framework** for information exchange in the form of LOs, contact offices and participation in international fora was already discussed. If it is not possible to deploy LOs and/or establish contact offices, a **network of contact persons** in neighbouring countries is an easy way to facilitate information exchange. The description of the tasks of such contact persons, which should exist at the local, regional and central levels, need to be clearly defined.

> **Good practice**
> *Phytosanitary services in the Western Balkan countries together drafted a Phytoreg Database for the region, including details of contact persons with their competencies and BIPs with addresses.*

In addition, **regular meetings at all levels** and **participation in international networks** should be promoted. Special emphasis should be put on an **efficient internal information management system** ensuring that information received from international counterparts is effectively shared internally.

Good practice

An example would be the development of procedures within customs authorities on sharing of information among all relevant officers and on relevant information, for example, on new smuggling methods, as provided by the Council of Europe's Pompidou Group.

Good practice

***Danube River Early Warning System (DREWS)**. Following high-level negotiations in November 2004 initiated by the CAS, an agreement was signed in Budapest between the customs services of Croatia, Hungary and Serbia in the spring of 2005 with respect to information-sharing to enable targeting of commercial river traffic and efficient allocation of resources. Computers were provided by CAFAO and installed and connected in summer 2005. DREWS is an excellent example of cross-border cooperation. Ongoing maintenance is by participating members with the support of CAFAO I/T Section. Legal basis – signed Agreement.*

Regular meetings between representatives of border agencies from different countries should be held at all levels. Meetings arranged at the **central or regional level** should address **strategic issues, common planning and evaluation** of the respective border control systems. Such meetings might also serve as fora for information exchange related to **legislative, institutional and organisational changes**. An important aim of regional meetings among the countries in the Western Balkans should be the development of joint positions within the European process of multilateral cooperation (e.g. the Pompidou Group, the Budapest Process, and the International Border Police Conference).

At the same time, **heads of border posts** should be instructed to maintain regular contact and establish day-to-day working relations with their counterparts **at the operational level** and to promote **exchange of data and intelligence** based on relevant agreements.

One specific form of cooperation may be a systematic exchange of reports (e.g. on a weekly basis) that will allow a monitoring of the situation at the state borders in the region. Regional initiatives should be complemented by bilateral contacts. The **exchange of statistical data** with the authorities of neighbouring countries should also be institutionalised.

An additional recommendation is related to the **analysis of BCP operations**: it may be valuable to exchange information related to the evaluation of operations of BCPs, indicating specific problems at individual crossing points. This information may then serve as a basis for organisational changes with the aim of increasing the harmonisation of border procedures, especially in the traffic of goods. It is recommended to prepare such an analysis annually.

A **modern IT system** not only provides an important basis for efficient exchange of information, but also serves as a source for international data available on the Internet, for example, on the web pages of the EU, OIE and the Food and Agriculture Organization of the

United Nations (FAO) in the case of veterinary inspection. Direct and fast Internet access in all BCPs/ICSs/BIPs is an obvious advantage in this regard.

The same need for integrated IT systems applies to the regional level. With a view to future closer cooperation between countries it is important to consider the compatibility of their national IT systems. The eventual need for compatibility with the SIS should also be kept in mind.

> **Good practice**
> *As regards veterinary inspection, the EU has introduced a new, sophisticated Internet-based IT system called TRACES. This system will replace the ANIMO system used previously to forward information related to consignments of animal origin and live animals. There are preliminary plans to connect the veterinary services of countries that are not EU Member States to the TRACES system, at least at a certain level. Access to the system would provide important information regarding risks to public and animal health and would thus be an important part of an* ***early warning system****. Similarly, border guards should engage in the exchange of risk analysis data with neighbouring countries and introduce an early warning system to be able to effectively combat new forms of crime and irregular migration.*

A further point related to technical aspects of information exchange, **direct phone connections** between the BCPs on either side of a border would also facilitate regular information exchange. **Direct radio communication** at the operational and regional level with neighbouring countries should be made possible (appropriate attention should be given to the compatibility of the systems used).

For the transmission of personal data, national data protection laws (drawn up along the lines of the EU Data Protection Regulation) and regulations, the limits set by internal regulations of both contracting states, as well as international obligations, have to be taken into account. These issues should be regulated by an intergovernmental agreement on mutual protection of confidential information.

> **Good practice**
> *An MoU of phytosanitary services in the Western Balkan region describes the modalities of future information exchange.*

III. 3. 5. 1 Promotion of international networks

International networks for information exchange are important both on a formal and an informal basis. Informal networks, developed by regular participants at meetings such as the Pompidou Group, the Budapest Process and the International Border Police Conference in Siófok, Hungary, help to improve the sharing of information regarding, for example, new

smuggling methods or quarantine pests. **Regular travel to international meetings** for appointed officials could thus **enhance the development of such international networks**.

As regards formal participation in established international information exchange networks, customs services should participate in existing EU information networks and also co-operate with OLAF in the field of cigarette smuggling. In addition, the Customs Enforcement Network of the WCO can be used. The development of the container security initiative (CSI) should also be followed carefully with a view to participating at an early stage at the international level as well as at the EU level.

In the case of the veterinary inspection services, international relations and networks could be used to communicate risks related to public and animal health. Information and recommendations are available from the EU – on legislation, risks and rapid alerts – and through international organisations such as the OIE, WTO, Codex Alimentarius and the Central European Free Trade Agreement (CEFTA).

III.3.6. Infrastructure and equipment

As already mentioned, the **upgrading of BCPs** should be coordinated not only among the border agencies at the national level, but also internationally, at thr regional as well as bilateral levels. Depending on the closeness of cooperation between neighbouring countries, **joint use of infrastructure** on juxtaposed BCPs or related to one-stop control (see chapter III.3.3 on procedures) could be envisaged, provided that this is authorised by the relevant legislation. Such joint BCPs represent a useful and cost-effective tool in promoting cooperation across the border and in facilitating the legitimate movement of persons and goods.

For BCPs, especially those on highways and other international transit routes, it can be useful to separate the road haulage according to direction and establish common infrastructure for export and import traffic of trucks, respectively. Through this arrangement, a close cooperation between the customs authorities of import and export countries can be guaranteed, including the common use of data, which in this case need to be collected only once. At the same time, intersection of cross-border traffic as well as the mixing of import and export traffic can be avoided.

III. 4. Cooperation with other actors

Beside the central actors of IBM, which were presented above, there are **many additional stakeholders** whose activities and interests need to be taken into account in an integrated approach to border management. Some of them are crucial to ensuring the proper functioning of BCPs, as, for example, the Ministry of Transport with regard to road infrastructure. Some will need to be an integral part of coordination/cooperation structures, whereas others will be invited to provide input related to certain topics on an ad hoc basis. **Cooperation** mechanisms should **also be established with non-government-related stakeholders**, such as freight

forwarders, carriers and relevant interest groups. This chapter deals with such "other actors" – state or non-state actors – and defines their role in the concept of IBM.

In general, the Internet offers a good platform to provide non-state actors such as carriers/operators, trade and the general public with information on the regulations, procedures, contacts and organisational issues of individual agencies. The **Internet platforms of the agencies** involved in border management should be linked, **or a joint platform** could be envisaged. Such a common platform would be ideal to provide comprehensive information on BCPs and opening hours or other information related to all agencies, such as a schedule of BCP procedures, clearly describing the control procedures and identifying the tasks and responsibilities of customs, border guards and inspection services.

All information should be provided in the relevant languages of the region. BCP or ICS staff should reply promptly to requests for information by the public. In the event that they cannot provide an immediate reply, the relevant requests should be forwarded to a central information desk and processed in a time-efficient manner.

III.4.1. Cooperation with (other) state actors

In order to perform the tasks that are vested in them, border guards should co-operate with a number of state bodies, such as the foreign office, the police, the railway protection service, the metropolitan guard, the immigration service (i.e. those with competence in refugee matters, see also chapter IV.1), the fiscal administration, public prosecutors, regional governors and courts. Methods and forms of this cooperation should be regulated in laws and by-laws.

States should further actively pursue the conclusion and implementation of MoUs or other equivalent types of agreement between governmental agencies, such as customs and border guards, and national and international organisations, aimed at addressing specific issues such as intellectual property violations, irregular migration and smuggling activities.

III. 4. 1. 1 Cooperation with the (regular) police force

Besides the main actors, the (regular) police units are of specific importance in a comprehensive IBM approach. Throughout the document a number of references have already been made to cooperation of border guards with the (regular) police force. While the **border guards are responsible exclusively for the checks at the BCPs and along the border lines**, **regular police forces are responsible for the control inland**. Cooperation, therefore, has to identify the areas of respective responsibility in order to **avoid overlaps.**

An area of possible overlap is the fight against cross-border criminality, where both agencies are strongly involved. An **uncoordinated approach may not only hamper the success of detection, but even jeopardize each of the actions planned**. Exchange of information and a co-ordinated approach are therefore crucial. Investigations with respect to neighbouring or

other third countries, in particular, are dependent on existing structures for information-sharing, such as Interpol.

The use of, or access to, common databases is of utmost importance in fulfilling the different tasks of border agencies and police forces. In particular, police forces need access to data on persons to whom entry has been denied, while border guards need to have access to data on persons who have been prohibited from entering the country. The different authorities have to co-operate and agree on which data should be shared in order to best implement their various tasks. Given the degree of sensitive data, special attention has to be paid to the issue of data protection.

III. 4. 1. 2 Cooperation with the ministry of justice

Border services also have close connections with the agendas of the ministry of justice. With regard to one of the main tasks of border services – to prevent cross-border criminality – border services are the preliminary law enforcement agencies. Close cooperation between all border agencies and the prosecutor's office is therefore crucial.

Though many cross-border criminal activities fall mostly under the administrative (criminal) code, criminal offences such as smuggling, trafficking in human beings, organised cross-border crime and so on clearly fall under criminal liability.

With respect to extradition procedures, border guards and prosecutors need to cooperate closely in order to guarantee a smooth procedure to enforce respective decisions. Clear written instructions and ad hoc information-sharing on transit and related issues must therefore be agreed upon.

III. 4. 1. 3 Cooperation with the national labour office

Agreements could also be considered between the relevant border service – border guards and/or customs, depending on their respective responsibilities – and agencies responsible for the illegal employment of foreigners. Under such an agreement with the national office(s) responsible for the issuing and controlling of labour permits (national labour office, ministry of labour, etc.), joint controls and information exchange about foreigners staying or working in the country without permits and people who employ foreigners without permits or organise illegal stay for them could be facilitated.

III.4.2. Cooperation with non-state actors

III. 4. 2. 1 Memeoranda of understanding with non-state actors

The **possibility of concluding Memoranda of Understanding** between border services and **non-governmental actors should be covered in the legislation**. These can include port and

airport authorities, which need to cooperate closely with all agencies present at the relevant BCPs, among other things with regard to necessary infrastructure, as well as commercial enterprises, such as shipping agencies/freight forwarders, in which the bodies involved in trade facilitation have a particular interest. Under later MoUs, specific enterprises that have gained a bona fide status with the authorities can receive preferential treatment in order to further minimise processing times at the borders on condition that they forward all information about suspicions to the contracting administration and actively support the detection of crime within their field of business.

III. 4. 2. 2 Relations with carriers/operators

All agencies dealing with border management need to work closely with carriers providing passenger transport by air, sea or land (by rail or road). Firstly, relevant information needs to be disseminated to operators in order to avoid unnecessary redirections – this could also be done via a web site. Secondly, the agencies involved in border management could also receive intelligence, manifests and passenger lists from the carriers. Thirdly, carriers might be subject to carrier liability sanctions in accordance with the respective national legislation (see also Council Directive 2004/82/EC on carrier liabilities).

Concerning the control of trains starting in the territory of the neighbouring country, **close cooperation with the railway companies** should allow for the provision of the necessary infrastructure for border guards and customs officers at train stations. Since the railway companies profit from this kind of control through reduced control times at the border, the necessary premises might even be provided free of charge.

III. 4. 2. 3 Relations with authorities involved in trade facilitation

Regarding authorities involved in trade facilitation, it is necessary to initiate regular and close cooperation with trade organisations. In this context, regional customs consultative committees could be established, consisting of representatives from trade, customs and other relevant authorities, and meet on a regular basis to discuss issues of mutual interest. Matters outside the competence of such regional committees should be referred to a central customs consultative committee.

It is recommended to **sign MoUs with major trade and transport bodies**. For the purpose of implementation of such MoUs, BCP and ICS managers should seek to initiate regular contact with transporters, local freight forwarders and traders affected by the MoUs. Agreements with umbrella trade/transport organisations and official authorities (e.g. chambers of commerce) could also allow for access to trade information for risk assessment purposes, for example, relevant qualitative and quantitative information and statistical data.

On the other hand, **regular and up-to-date information on legislation and procedures should be provided to traders, freight forwarders and others involved in foreign trade**. This information can include customs guidance on tariffs, rules and procedures for import, transit and export. It can be disseminated via public notices, Internet publications, newsletters, leaflets or as a handbook. Urgent information should be displayed on public notice boards.

To facilitate communication, information on and relations with trade and the public, appropriate structures (local networks, information points/desks in customs offices) should be created where operators and natural persons can obtain relevant information. In addition, standards for services offered to trade and the public, but also for complaint procedures, need to be set.

In order to facilitate trade, customs control systems and procedures could be simplified through computerisation wherever there are clear benefits for both customs and the public (including the trading public). The implementation of such new procedures requires the installation of equipment and the further enhancement of the existing IT systems and communication infrastructure. Computers have to be available at all BCP/ICSs in sufficient number and should be set up in such a way as to allow the staff to process customs declarations immediately. The staff should be able to receive and send enforcement intelligence and information directly (in "real time"). It has to be ensured that staff have access to all relevant databases – central intelligence database, register of offenders and so on.

Where possible, Digital Technology International (DTI-technology) should be available to the trade and freight forwarders for paperless customs declarations based on data-processing techniques.

Close cooperation in terms of the processing of goods traffic for the benefit of the clients is foreseen in the single-window concept of the EC centred on all goods and merchandise14, with the aim of simplifying the clearance procedures for forwarders and thus further reducing processing times.

III. 4. 2. 4 Relations with the public

Visible, easily understandable and regularly updated information (e.g. about prerequisites for crossing the border, as regards customs legislation and other procedures) should be provided to the public**: standards and procedures** should be **prominently displayed on public notice boards at BCPs** or in the form of leaflets and posters, or on a customs or border guard web site. A "customs and border guard notice for travellers" on rules and procedures regarding import and export could also be made available to the public.

Also at ICSs, reference to all valid customs legislation, legislation related to prohibitions and restrictions and other information material issued by the customs administration should be disseminated and displayed. This also refers to border guard issues.

Regular efforts should be made to **improve the public perception of the role of all agencies involved** in the protection of society, and to increase public knowledge regarding the provisions for legal border crossing and the types of goods the import of which is illegal (e.g. through campaigns against smuggling, weapons and regarding the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention).

Facilities for the receipt of relevant information (e.g. "hotlines") from the public could be established. BCP and ICS officers should be able to receive information relating to police

incidents and customs fraud directly from the public. All relevant information received has to be forwarded to the central intelligence collation and dissemination unit.

Posters and notices at BCPs and ICSs requesting information from the public that may result in the dismantling of illegal border crossing and/or detection of customs fraud could also be displayed in locations that attract many people, such as libraries, universities and post offices. These notices should clearly display, if available, a toll-free telephone number providing a 24-hour connection to the CAU.

Good practice

Customs "Open Line". *Following major publicity and a media campaign, in March 2006 the CAS launched a manned 24-hour "Open Line". This toll-free number appears on advertising hoardings, posters and leaflets throughout Serbia and promotes the opportunity for callers to pass on information (anonymously if required) in relation to customs/cross-border crimes. A number of calls from the general public have resulted in the need for additional enquiries and in some cases seizure of goods.* ***Legal basis:*** *internal instruction/agreement. A corresponding 24-hour Open Line has also been launched by the MCA.* ***Legal basis:*** *internal instruction/agreement.*

In addition, information should be published annually about the outcome of policing measures at the BCPs and the green border and the success of the activities of the customs administration in its fight against fraud so as to raise public awareness. For the purpose of presenting successes and improving the public image, a common media relations strategy, establishing a system of focal points in all relevant agencies, should also be developed.

PART IV.
ISSUES OF SPECIAL CONCERN

IV. 1. Cooperation in visa, asylum and migration matters

Within certain limitations prescribed by international law, every state has sovereignty to regulate migration flows according to its preferences. Each country may regulate who may enter its territory, on what grounds, using which border crossing and with which kind of documents. Traditionally, legal competencies in the field of migration lie within the ministries responsible for justice and home affairs together with the ministry of foreign affairs. **Border guards** being part of these institutions thus **play an essential part in the migration process**. In particular they:

- Control the borders and mostly **on short notice have to determine the status of the persons passing the borders**
- **Check and control the lawfulness of entry** by checking visas and passports with regard to authenticity
- Have to **distinguish between illegal migrants and persons who fled from the country in order to seek international protection**

In execution of these responsibilities, border guards are in charge of an important part of the migration procedure. In order to fulfil all these tasks, well-trained personnel and appropriate equipment are as essential as a good sense of cooperation with other state actors (such as the ministry of foreign affairs, the ministry of the interior and immigration, aliens and asylum authorities), and if regional and international cooperation. In general it is recommended that each state undertakes an analysis of the stakeholders (including their specific tasks) in the areas of visa, asylum and migration (e.g. the authority responsible for illegal migration).

Among the key elements of cooperation in visa, migration and asylum matters are:

- **Training**. Special attention has to be given to training for border guards. Such training should include continuous training sessions as well as joint specialised training (e.g. on detection of forged documents).

- **Clear procedures**. The complex tasks in the three fields require clear procedures for border guards in all three areas, combined with up-to-date and practical manuals.
- **Institutional framework**. With regard to the institutional setting, it is recommended that close ties are maintained with the specialised authorities. The posting of an LO could, for example, further enhance the competence of border guards in fulfilling their duties and would have the advantage of having a specialist at hand.
- **Data exchange**. In the field of visa, migration and asylum matters, access to information is of utmost importance. The legal basis has to give a clear picture of what kind of data need to be shared between the key actors dealing with visa, migration and asylum.
- **International cooperation**. Border guards in particular are dependent on the newest available information, for example, on new migration risks.

Good practice

Hungary has established a unified, IBM system, which should enable the implementation and fulfilment of the Schengen requirements. The main elements of this system are:

- *The management of external borders*
- *The in-depth checks related to the fight against illegal migration*
- *Coordination by the Integrated Border Management Centre*
- *The Cross-border security cooperation*

In order to enhance the effectiveness of the fight against illegal migration besides border surveillance and control of the border traffic, the border guard has established and is operating a complex, countrywide in-depth control system that harmonises the tasks and municipal measures of all responsible law enforcement agencies and labour organisations. This migration filter system, known as CHECKNET, has been built up as a network. Executive units of the cooperating authorities implement their tasks coordinated as regards time, territory and methods used by one authority and organised into a single system. The main goal is that, following accession to full Schengen membership, guaranteeing free movement of persons in the area, the ability to fight illegal migration can be maintained with the existing staff and equipment.

The authorities perform their activities at the main points and routes used for illegal migration (cities, railway stations, bus stations, places providing accommodation, highways, building operations, markets, agricultural regions and so on).

The Integrated Border Management Centre, which is managed by the border guards, co-ordinates the tasks related to the fight against illegal migration by the border guard, the police, the Office of Immigration and Nationality,, the customs and finance guard and the National Labour Inspectorate through its LO system at the central and regional levels. Cooperation between these authorities includes joint aliens policing, control of labour policy and protection of public order, implementation of such actions, exchange of information and experience related to illegal migration and joint training of the staff of the partner authorities.

The **guiding principle** for work in this field is **laid out in the "four-tier" model** (see annex IV), which is described in the Schengen Catalogue on External Border Control, Removal and Re-admission and should be implemented to the largest extent possible. The main aim should be to harmonise the national legal framework with relevant EU legislation in this field, while inter-agency cooperation should follow EU standards and good practices. In the following chapters, the main impacts of border issues with regard to visa, migration and asylum will be examined.

The sub-chapters below will discuss key issues concerning the involvement of border guards with regard to visa, migration and asylum by highlighting the main documents of the EU *acquis*, followed by the main responsibilities and means of cooperation of border guards in the respective fields.

IV.1.1. Migration

Legal and regulatory framework
With regard to the entry, admission, expulsion and re-admission of third-country nationals[19], the developing EU *acquis* and international obligations are set forth in, among others, the following legal instruments:

- Convention implementing the Schengen Agreement of 14 June 1985[20]
- Council Decision of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents[21]
- Council Decisions of 2 December 1999 on the inclusion of model re-admission clauses in community agreements and in agreements between the EC, its Member States and third countries
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third-country nationals
- Council Decisions 2004/573/EC of 29 April 2004 on the organisation of joint flights for removal from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders
- European Convention for the Protection of Human Rights and Fundamental Freedoms
- Geneva Convention on the Status of Refugees and the 1967 Protocol thereto
- United Nations Convention on the Rights of the Child with regard to issues related to children

Entry and admission
Relevant data should be collected at the national level and exchanged at both the national and international levels for high-quality risk analysis and early warning in visa, asylum and migration matters. International information exchange is needed to be able to effectively study

[19] "Third-country national" is defined as any person who is not a citizen of the EU.
[20] *Official Journal*, 22 September 2000.
[21] Ibid., L81/1, 1 April 2000.

legal immigration, prevent illegal migration, better detect forged documents and organise expulsion in conformity with human rights standards.

An **operative early warning system** should be established. As a good example for a standardised data exchange, the European Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI) should be mentioned.

> **Good practice**
> *CIREFI includes an **early warning system** where the following information is transmitted immediately:*
> - ***First indications of illegal immigration** and facilitator networks, particularly in the countries in which migration originates*
> - *New **developments** in this area that **require immediate counter-measures** (changes in itineraries or modes of transport, new types of large-scale travel document forgery, huge increases in illegal immigration, infiltration of large groups by facilitator networks, etc.)*

Experts in the **detection of forged visa** and travel documents are needed. Therefore staff at the BCPs should be trained, especially at BCPs with a high risk of illegal migration (the specific know-how might also be gained by posting Los or by secondment of competent staff). Regular specialist training for familiarisation with the methods of forging travel documents and visas and on relevant equipment for discovering forging should be organised.[22]

Return and re-admission

Return and re-admission are necessary tools to prevent illegal immigration, but they also depend to a large extent on cooperation and coordination at all levels. Specific focus should nevertheless be placed on international cooperation.

Border guards are involved in different aspects of return and re-admission: on the one hand they are **authorised to send back foreigners who do not** (for whatever reason) **fulfil the preconditions for entry** and on the other they may be **involved in transit operations of re-admission**, be it accompanied or unaccompanied deportation, be it at land, sea or air ports. With respect to these duties, strong cooperation with law enforcement agencies responsible for the deportation of illegal migrants and regular police forces are as important as international cooperation with authorities in neighbouring and other countries.

International cooperation at the highest level (e.g. for the drawing up, negotiation and conclusion of re-admission agreements) is therefore also an essential part of a comprehensive approach to preventing illegal migration. As regards operational trans-border cooperation, specific operational agreements with international counterparts have to be developed.

[22] Council Recommendation of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union.

Concerning re-admission agreements it is currently crucial to take into account newly emerging initiatives within the EU for re-admission agreements of a new generation (including resettlement assistance) as well as new developments in the field of community and mixed agreements. Although not much information is available yet, it is highly advisable to monitor those developments very closely in order to stay in line with them.

IV.1.2. Visa

Legal and regulatory framework

- Common Consular Instructions on visas for diplomatic missions and consular posts (*Official Journal,* C 310, 19 December 2003, pp. 0001–0108, as amended; consolidated version from 27 September 2005)
- Convention implementing the Schengen Agreement of 14 June 1985[23]
- Council Regulation 415/2003 of 27 February 2003 on the issuance of visas at the border, including the issuance of such visas to seamen in transit
- Council Regulation (EC) No. 333/2002 of 18 February 2002 on a uniform format for formats affixing visas
- Council Regulation (EC) No. 1091/2001 of 28 May 2001 on free movement with a long-stay visa
- **Ohrid consular instructions on visas for diplomatic missions and consular posts**: model consular instructions for states wanting to approximate to the EU *acquis* – developed within the visa module (International Centre for Migration Policy Development (ICMPD)) of the CARDS regional programme 2002/2003, on establishment of EU compatible legal, regulatory and institutional frameworks in asylum, migration and visa matters.

Responsibilities of border guards in visa matters

Depending on the specific national provisions, the visa-issuing state may determine who is responsible for the issuance of entry visas. Traditionally, the consulate or the consular department of an embassy issues visas, but under certain circumstances this may also be done also by border guards at the border. Whether border guards are authorised to issue visas or not, they are **responsible for checking visas at the entry point and may accept, refuse or cancel visas** according to the specific provisions of national law.

In order to implement a secure visa policy, border guards need the authority to refuse entry, even to holders of a valid visa, in case of suspicion with probable cause or for other well-founded reasons. In exceptional cases (mostly humanitarian), visas with short validity can be issued at the borders by border guards. A list of BCPs authorised to issue visas should be published. Special training is required for the officials involved in order to ensure the accuracy of their decisions in this regard.

[23] *Official Journal*, 22 September 2000; note that articles 2-8 of this Agreement were repealed by article 39 of the Schengen Border Code (Regulation 562/2006).

According to a Council Recommendation 22, all BCPs must have the basic equipment for recognising travel document and visa forgeries. Following a risk assessment, those BCPs which require more advanced equipment should be identified. In addition, border guards should have access to a **manual of documents** (hard copy and electronic version) **that provide samples of documents accepted for entry** (or to which a visa could be affixed) to support their assessments.[24] The manual should be updated on a regular basis.

It is important that border guards have the authority both to cancel issued visas and to shorten the validity of a visa. A cancellation would for example be carried out in cases of well founded suspicion or if a visa has been issued in error to an alien who is the subject of an alert refusing entry as an undesirable person. If this happens, some kind of indication should be attached to the visa sticker that shows that the visa has been cancelled. The cancelled visa is then considered as never having existed.

A reason for the shortening of the validity of a visa could be that the alien does not have adequate financial means for the initially intended duration of the stay.[25]

The different reasons for the cancellation of a visa should be determined by law with wording clearly differentiating between the grounds to annul the entry permit (visa) due to substantial reasons and those grounds based on technical reasons (such as wrongly filled in information, technical failures, etc). In databases care should be taken to save the entries concerning annulled visas centrally and to link them with the entry of the actual visa.

Cooperation and Coordination

Considering the important role of the border guards for the implementation of a secure visa policy, a **consultation mechanism** should be established at the central level between the consular department of the ministry of foreign affairs and the relevant unit of the ministry of the interior responsible for border guards. At the **local level, the BCPs need clear instructions** on the procedures for cooperation as well as updated manuals and updated lists of contact persons.

Lists of unwanted persons and relevant databases should be updated on a regular basis and communicated to the proper authorities. Where no such list exists, a national database on issued visas should be developed. When developing national databases, the plans regarding the seting up of the Visa Information System (VIS) should be taken into account[26]. Even if different computer systems are used by the ministry of the interior and the ministry of foreign affairs, at the borders and in the consulates, it is important that links are established allowing border guards to check issued visas electronically at the border.

[24] 13144/04 VISA 177 COMIX 594: table of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa.

[25] Decision of the Executive Committee of 14 December 1993 on the common principles for cancelling, rescinding or shortening the length of validity of the uniform visa (SCH/Com-ex (93) 24).

[26] Council Decision establishing the Visa Information System (VIS) (2004/512/EC).

IV.1.3. Asylum

Legal framework

- National legislation related to the protection of asylum-seekers and refugees
- 1951 Convention and 1967 Protocol relating to the Status of Refugees
- European Convention for the Protection of Human Rights and Fundamental Freedoms
- Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of EURODAC for the comparison of fingerprints for the effective application of the Dublin Convention
- Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted
- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status

Responsibilities of border guards with regard to the asylum procedure
During the asylum procedure, border guards regularly have the first contact with asylum-seekers. While deciding on access to the territory, they have to distinguish between asylum-seekers and illegal migrants. Border guards are mostly responsible for the first interview with the asylum-seeker. With regard to these essential contributions to the asylum procedure, strong cooperation between the border guards and the asylum authority is essential.

Cooperation and Coordination with regard to the asylum procedure
Asylum-seekers should be given **access to the refugee status determination procedure** regardless of whether the request for asylum is made directly at the border or inland. Border officials are responsible for facilitating the application procedure and expeditiously transferring the claim to the proper decision-making authorities.[27] Therefore **training** is recommended for border guards, including training **on the basics of the national asylum procedure**, keeping in mind the fulfilment of international obligations. In addition, the curriculum should include training on detecting and understanding asylum requests even in cases where asylum-seekers are not in a position to clearly communicate their intention to seek asylum, as well as basic communication skills concerning how to address asylum-seekers, including those with special needs.

Ideally such training is conducted by representatives of the asylum authority which additionally encourages informal contacts for further cooperation. Information sheets (including main contact information) for border guards on duty as well as information sheets (in different languages) for arriving asylum-seekers drafted by the asylum authority should be presented and distributed.

[27] Article 5(5) amended proposal for an EC Council Directive on minimum standards on procedures in member states granting and withdrawing refugee status (10279/02 ASILE 33 + rev 1-com (2002)326 FINAL/2).

Good practice

The Asylum Affairs Division of the Lithuanian Ministry of the Interior has, since the initial stage of the asylum system in Lithuania, in 1997, a 24-hour mobile duty telephone. The telephone number is distributed to all state border guards (also under the Lithuanian Ministry of the Interior) and may be used if a foreigner has been apprehended by border guards and has applied for asylum or international protection. The border guards call the asylum authority, which then further coordinates and decides on the next steps to be taken. Legal basis: internal instruction on the asylum procedure adopted by the Lithuanian Ministry of the Interior.

It is further recommended that administrative instructions and operational guidelines on how to deal with asylum claims are issued to border guards. For officials who first come into contact with asylum-seekers, specific training on how to identify requests for asylum and how to refer asylum applicants to the appropriate authority is needed. The Office of the United Nations High Commissioner for Refugees (UNHCR) has developed a checklist for the training of officials who are responsible for the reception of asylum-seekers[28].

If a system for taking and using biometric data is going to be built up, future compatibility with the EURODAC system should be kept in mind.

Asylum-seekers may not always be transferred to the responsible authority immediately. BCPs should therefore be able to provide them with accommodation, food and sometimes even clothing. The legal and physical protection of the asylum-seeker begins at these initial stages of the application process. Ports, borders, transit zones or other in-country locations approached by persons wishing to lodge an application for asylum should meet basic needs and preserve the dignity, privacy and safety of asylum-seekers as well as respect the principle of family unity. Therefore adequate shelter is needed directly at the BCP or at a reasonable distance. If none exists, handing over the asylum-seeker to the police or another institution able to provide shelter is recommended. Cooperation with humanitarian or international organisations is further recommended in order to guarantee humane conditions. Special care thus has to be taken of vulnerable groups such as unaccompanied minors and elderly or sick asylum-seekers.

Good practice

In order to distinguish between different categories of persons in composite flows, for example, migrant workers, victims of trafficking, genuine asylum-seekers and those without valid claims, states may wish to establish inter-agency identification procedures such as that currently in use in Albania.

[28] See "*Roadmap for Integrated Asylum, Migration and Visa Management in the Western Balkans"*. Working document on practical and concrete implementation of the EU acquis and best practices in the Member States. Result of the Regional CARDS Project on Asylum, migration and visa in the Western Balkans.

IV. 2. Data protection

General

IBM is based on the principle of cooperation and coordination between the different institutions involved in border management. As previously described, cooperation and coordination occurs at the national level (intra-service and inter-agency cooperation), as well as at the international level. An **efficient and effective concept of border management depends to a large extent on information that has been gathered by the different national and international agencies**. An essential part of cooperation consists therefore of the **exchange of data** in order to fulfil the specific tasks of border security. This also includes data on individuals. However, natural persons enjoy the **fundamental right that their personal data are protected** in accordance with national and international principles. Issues of data protection therefore typically arise at all stages of an IBM concept and have always to be kept in mind.

Legal and regulatory framework

- European Convention on Human Rights article 8
- European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 1981
- Additional Protocol to the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and trans-border data flows of 2001
- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Content of data protection

The protection of the rights of the individual on whom data are collected and stored lies at the core of data protection. ”Personal data” as described in article 2a of EU Directive 95/46/EC therefore means:

> “Any information relating to an identified or identifiable natural person (‘data subject’); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.”

Data protection in relation to IBM is a highly sensitive issue that requires a balance to be found between the fundamental human right for privacy according to article 8 of the European Convention on Human Rights and the use of personal data or databases to fight cross-border crime and related unlawful activities. Natural persons have the right to legal protection of their personal data. Consequently the use, allocation, sharing and storage of personal data have to be regulated by national data protection laws.

Data protection is guided by the principles of :

- Avoidance of data[29]
- Data economy
- Stored data linked to a specific aim
- Control of the use of the data

In order to maintain these guiding principles, personal data in accordance with EU Directive 95/46/EC therefore must be:

- Processed fairly and lawfully
- Collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes
- Adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed
- Accurate and, where necessary, kept up to date (inaccurate or incomplete data are to be erased or rectified)
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed

Therefore, **technical and organisational measures to maintain data security** have to be introduced for existing data. Special attention has to be given here to access to the data. Data may **only be accessed by specially authorised persons**. According to the principle of data economy and avoidance of data, it follows that data that are no longer of use have to be deleted (e.g. if a temporary prohibition to enter the territory has expired). Other guiding principles of data protection are the right of the individual to obtain information on the stored data and the **control of an independent data protection body**.

Implementation in practice

As data management and information exchange are key elements of IBM, the proper gathering, handling and sharing of data is of utmost importance. Handling of the data according to EU and other international standards and requirements should be ensured both in law and practice. Specific attention must be paid here to technical safeguards, taking into account good practice models of IT technologies.

Legislation should address issues such as confidentiality, integrity, clearance, authenticity, reliability and accessibility. Provisions clearly stating who is authorised to access which kind of data must be introduced. **Clear instructions** must also be introduced **on** the procedure of **sharing personal data with other national or international agencies**. For reasons of transparency, **each step in the process of handling data should be traceable**. Procedural safeguards for updating, correcting or cancelling data must also be introduced into the law.

As the integration of security in the information system is a complex issue, comprehensive measures should be taken to cover physical, technical, organisational and legal safeguards. Exact parameters for these measures need to be established at the national level, as the

[29] Data should **in principle** not be collected and stored unless provided otherwise by law.

particular situation and conditions in each country should be taken into consideration. The preparation of standard operating procedures should ensure full respect of the relevant legislation in the everyday handling of data.

IV. 3. Risk analysis/selectivity

Taking into account limited resources and the fact that the waiting times at borders should not become excessive; a policy of checking 100% of the cross-border traffic is both impracticable and inefficient, especially if there is heavy traffic. The purpose of a risk analysis system is thus to **facilitate the application of selective but effective controls**, based on identification of the areas where the greatest risks are located. Based on risk profiles, the limited resources, both in terms of staff and facilities/equipment, can thus be concentrated in fields where unintentional or deliberate breaches of the regulations are most likely to occur, while at the same time minimising the disruption to trade and traffic flow.

Risk analysis needs to be **based upon systematically gathered and centrally co-ordinated intelligence**. Professional border management systems should be able to gather intelligence, analyse it and utilise the results in field work.

Staff at local and/or regional offices should be trained to gather relevant information, to analyse it locally and to pass it on to the central level for further processing. The central level should compile all information country-wide, process it into usable form and deliver it to local authorities as a tool for tactical risk analysis and local (operational) planning. The **personnel should be acquainted with risk indicators, risk profiles and typical modi operandi of individuals involved in cross-border crime**. Special targets of surveillance and checks should also be made known to the personnel. **New or updated intelligence** should be **shared** with the staff **in a safe and efficient manner** to ensure optimal results.

The criterion for the evaluation of the effectiveness of a risk analysis system is the correlation of the number of checks and the number of detected cases: the aim is to keep the difference between these figures as small as possible.

Good practice

Risk Analysis Unit*. The concept of risk analysis has now been fully adopted by both the CAS and the Government of Serbia. A Risk Analysis Unit has been established within CAS and regional risk analysis coordinators are appointed in each customs house. The percentage of cargo examinations has been reduced from 100% to 15%, thus assisting in trade facilitation while applying a structured approach to selectivity. Legal basis: article 2 of the Customs Law (enacted in January 2004) states that goods and persons will be selected for examination by the use of risk analysis.*

Good practice

Risk Analysis Unit*. The concept of risk analysis has also been fully adopted in Montenegro by the MCA, where a Risk Analysis Unit has been established and risk analysis guidelines have been incorporated into sub-legal legislation. The MCA is also in the process of developing an electronic risk analysis management system. Legal basis: sub-legal legislation of the customs law.*

Risk profiles

The term "risk profile" refers to a set of hard copy or electronic documentation, tailored to regional and/or local circumstances, which is used in risk analysis. The **documentation identifies known risk areas**, **actual incidents** and the corresponding **risk indicators**; enables the **estimation of the degree of risk** and the establishment of an **action plan of checks to be carried out**; and **allocates the available resources**. The actual format of the risk profile is not important, as long as it is comprehensive and of relevance for the location in question.

The **risk profile** should cover a number of aspects:

- Be a source of information that can be used as a basis for allocating resources
- Identify the risk areas at a given location
- Evaluate the level of risk: high (H), medium (M), or low (L)
- Test the effectiveness of preventive or counter-measures taken

An effective **risk analysis** programme must meet the following criteria:

- Policy and operational objectives must be clearly stated.
- Accountability to management and auditors must be clearly demonstrated/identified.
- A satisfactory management information system must be in place to ensure that performance can be measured.
- Local officers must have the right information available to enable risk analysis to be effective.

The risk profile is the means by which the risk analysis is put into practice and therefore should be made as accessible as possible. It is a tool for managers, assisting them in the operation and management of their respective office, station or region. It is designed to replace a certain percentage of random and routine examinations of documents and goods with planned and targeted checks, which are based on a set of predefined criteria.

The risk profile should contain a description of the risk area, an assessment of the risk, the counter-measures to be taken, an action date, the results and an evaluation of the effectiveness of the action taken.

The profile is a **dynamic record**, which ensures that all risks perceived and all intelligence collected (either locally or disseminated from the CAUt) are evaluated and processed and that certain actions in relation to them are implemented. It is the responsibility of the ranking officers to operate and manage the profile and it is recommended that they involve staff from their own stations when they need to define local risks and action plans.

A risk profile can have a number of sections, in the case of customs, for example, dealing with different types of goods: general cargo, goods liable to excise duties or goods subject to licensing or quantitative restrictions. Different risk profiles will usually apply to imports, transit and exports.

To remain effective, **the risk profile must be flexible** so that new risks are identified and tested, whereas risks that have been tested and found to be at a satisfactory level are recorded as low-risk. It is also essential to **keep the risk profile accurate, relevant and up to date** (which includes cleaning the system of outdated information).

An essential part of risk profiles is the review. **To remain effective, the risk profile must be flexible enough to include newly identified risks**. The BCP/ICS manager must therefore review the risk profile at regular intervals (e.g. every three months) to ensure that it is always kept up to date. Officers at all levels should be asked to take part and to contribute to the review.

PART V.
DEVELOPMENT OF NATIONAL INTEGRATED BORDER MANAGEMENT STRATEGIES AND ACTION PLANS

Since the field of IBM covers a wide range of topics and tackles complex and sometimes controversial issues, a work plan has to be developed jointly by all relevant stakeholders. Such a plan consists of two documents:

- The **national IBM strategy**, where the strategic and operational aims ("objectives") are listed, which should lead to improved cooperation.
- The **national IBM action plan**, which identifies specific actions that have to be taken to reach the objectives of the strategy. Timing, costs and responsibilities are assigned as well.

Benefit of the IBM documents

Strategy and action plans not only ensure a unified approach to IBM among the stakeholders, they also contribute to identifying priorities and obtaining the political support for their implementation. Both documents can support the focused search for financial and technical assistance from partner countries and international donors.

Content and terminology

This chapter provides the reader with a methodology and tools that have proved useful in the process of establishing a national IBM strategy and action plan. In this new version of the *IBM Guidelines*, some restructuring has taken place and clarifications have been added. However, great care has also been taken to keep the content of the initial version intact: the **changes in this document do not make a revision of existing IBM strategies and action plans necessary** if they were based on the 2004 version of the *Guidelines*.

The **terms and definitions** used in this document will have to be adapted to the local context. Since the terminology differs slightly not only from county to country but also between the border agencies within one state, it is advisable to attach a **glossary** to strategy and action plans. (An example od such a glossary can be found at the beginning of these *Guidelines*.)

V. 1. National strategy

A national IBM strategy should provide the Government with:

- A comprehensive overview of the current border management situation
- Information on ongoing border-related initiatives and projects
- Clear strategic and operational objectives in the areas requiring adjustment

It should be noted that the national IBM strategy cannot replace sector -pecific strategies of individual state bodies involved in border management, since the IBM strategy will comprise objectives related to enhanced cooperation and coordination. Inter-agency cooperation and certain areas of international cooperation are a core part of it.

The **strategy document itself should be concise and openly formulated**, not going into details that might necessitate frequent updates. **While the strategy should clearly state the goals to be achieved, specific proposals for action should only be included in the Action Plan.** The same applies to resources needed and the actual timetable envisaged for the implementation of the objectives.

> **Good practice**
> *The IBM strategy should, for example, highlight the importance of information exchange and clearly state that regular meetings should be held between services at all levels for that purpose. It could also concretely propose meetings between heads of services at the regional level or shift leaders at the BCPs. Actual activities leading to the implementation of such meetings, such as the issuance of internal instructions, should, however, be included in the action plan and not in the strategy.*

V.1.1. Coordinating body: the inter-ministerial working group

Identification of key stakeholders and establishment of coordinating bodies
As a first step, a **national co-ordinator** needs to be nominated to facilitate and catalyse the preparation of the national IBM strategy and action plan. Care should be given to the appropriate selection and the commitment of the coordinator. It is important that the **coordinator has the necessary political, administrative and financial support** to fulfil his or her function. Furthermore, it is essential for the coordinator to have sufficient authority to draw other ministries, institutions and agencies into the process of development and implementation of the strategy and action plan.

This co-ordinator will need to **identify the key stakeholders** in the area of border management. Depending on the national context, these could include any of the actors mentioned in chapter 3, from the ministries of the interior (or border guards), finance and agriculture to industry and business organisations. It is very important to involve all of these stakeholders very early on in the process and to ensure a common understanding of the concept of IBM. For this purpose, consistent terminology is vital, as is the continuity of participation of the national counterparts.

In order to ensure this continuity, as well as relevant input from each of the agencies involved in border management in the respective country, it has proved effective to establish **inter-ministerial working groups at both the political/decision-making level and the operational level**. For ease of reference, these will hereafter be referred to as the high-level **decision-making body** and the **implementing body**. In practice, various names have been chosen in different countries depending on the national context, such as high-level IBM working group, inter-agency committee to border management task force and so on. If a body with a similar profile already exists in a country, it could take on the tasks of the high-level or operational-level working groups.

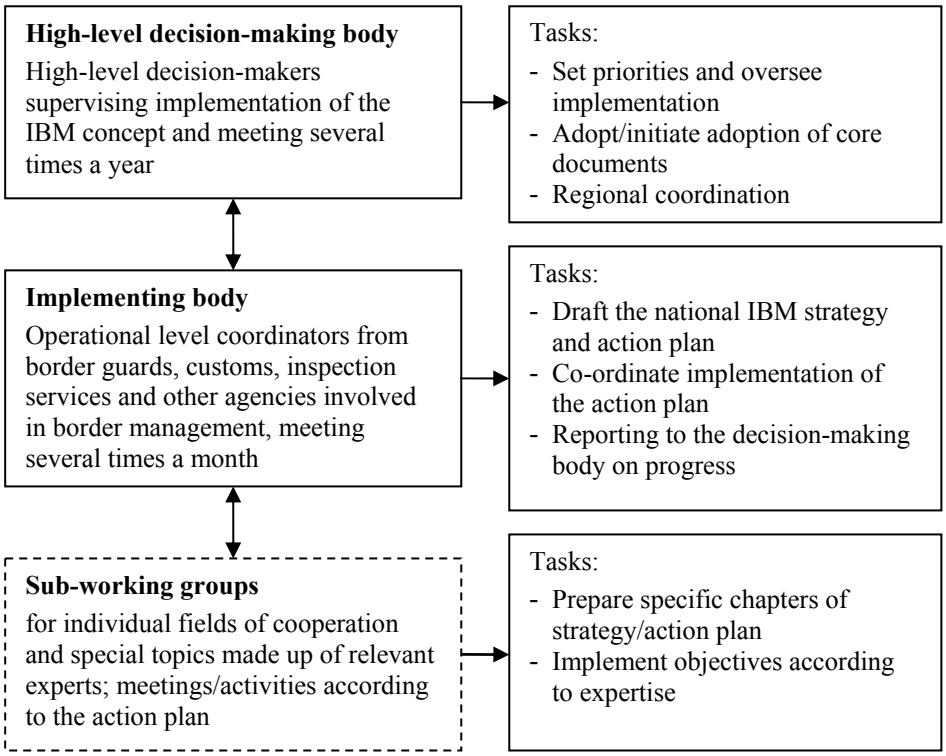
Both bodies should consist of members from all state bodies involved in border management in the respective country. Care should be taken to ensure that the selection of stakeholders and participants from the individual organisations is balanced. Participation of too many officials from a variety of agencies will hamper productivity. State bodies that are only peripherally involved in border issues, as well as non-governmental stakeholders such as industry and business associations, can be associated during discussions on relevant questions. The chairperson of the implementing body should co-ordinate the activities of the group and submit the results of its work and regular reports to the decision-making body.

The main function of the **decision-making body** is to **ensure political commitment** to the national IBM strategy and **oversee its implementation**. Regional coordination also falls under its responsibilities. For the group to be effective in its decisions and performance of its tasks, its members need to be of a sufficiently senior level, such as heads of agencies, under-secretaries of state or deputy ministers. Taking into account the high level of the participants and in order to ensure efficiency, an officer may be assigned to function as the secretariat to the group, responsible for organisation of meetings, administrative work and preparation and dissemination of any necessary documents.

Made up of practitioners, the **implementing body** at a more operational level will draft the national IBM strategy and action plan and co-ordinate their implementation, reporting to the decision-making body on its progress. It may decide to establish sub-working groups or invite experts on specific topics at any time during this process. Depending on national preferences, members of the implementation body can either be relieved of their other duties and work together in a permanent office or, alternatively, meet regularly according to their work plan/tasks. It is crucial that the members of the two bodies are available for regular meetings. Substitutes should be named in case a member is not able to join a meeting.

The following fugure shows a possible structure for the working groups.

Figure 1: Proposed coordination mechanism



Tasks of the high-level decision-making body:

- Coordination and advocacy of necessary reforms to ensure that administrative, institutional and legislative conditions exist for the introduction of IBM
- Identification of priorities in the area of IBM
- Securing sufficient budgetary means – from the national budget and external funds (CARDS, PHARE, IPA, bilateral and others) – to allow for implementation of the reforms
- Adoption of official documents related to IBM or initiation of legal procedures for the adoption (depending on the national legal system and the level of participants in the body)
- Monitoring of the implementation of the IBM strategy and regular update of the strategy in line with national priorities
- Coordination of the strategy with neighbouring countries, as well as overseeing the implementation of activities related to international cooperation in the area of IBM Coordination and cooperation with other high-level coordination bodies in the region;
- Synchronisation of the work of all bodies of the state administration involved in border management as well as with legal persons involved in border traffic at the national, regional and local levels
- Supervision of the work of the implementing body

- Cooperation with and provision of guidance to all bodies of the state administration and regional and local bodies in matters related to border management
- Providing suggestions for resolving issues of contention between bodies of the state administration involved in border management as well as legal persons involved in border traffic

Tasks of the implementing body:
- Development of the national IBM strategy, as well as an action plan for the implementation of the strategy
- Implementation of the sections of the action plan related to inter-agency cooperation
- Providing recommendations for improved cooperation and coordination between agencies
- Providing assistance to the bodies of the state administration in matters of IBM, including in the to coordination of individual activities/projects
- Review of the IBM strategy and action plan
- Other tasks as requested by the decision-making body
- Creation and co-ordination of sub-working groups where necessary

One of the first things the implementing body should do is to draw up a detailed **work plan and timeline** for the development of the strategy and action plan.

Identifying strategic objectives and assessing the current situation
Before actual drafting of the strategy document can start, the main **strategic objectives** the Government wants to pursue in the field of IBM must be identified and formulated. The standards described in the present *IBM Guidelines* should serve as a basis in this regard.

It is then vital to conduct a thorough **situation analysis** regarding all fields of cooperation and coordination. Suitable tools for such an analysis would be:
- A thorough gap and needs assessment
- An inventory of all ongoing and planned (national and international) activities in the area of border management

In addition to the initial gap and needs analysis, which serves as a basis for the IBM strategy and action plan, more detailed analyses may have to be conducted during the implementation phase, for instance, on the legal framework, workflows or relating to specific data that could be exchanged between agencies. If this is the case, they should be mentioned in the IBM strategy (as an objective) as well as the action plan (as an action).

Drafting the IBM strategy
All relevant stakeholders need to be involved in the process of drafting the IBM strategy in order to ensure broad commitment, swift adoption and effective implementation.

While the main responsibility for the development of the document lies with the border guards, the customs service and the inspection services, other interested parties should be consulted where appropriate. It is important to keep in mind that only certain chapters of the IBM strategy (and action plan) can be compiled through inputs from the individual services:

significant parts have to be drafted jointly, in order to ensure that the document reflects the joint agreed view of the agencies involved.

Parts of the IBM strategy to be developed jointly by all relevant border agencies:

- General outline of the document
- Introduction and basic information about the border management situation in the country
- Chapter on inter-agency cooperation

Parts that can be drafted by individual agencies:

- Description of the main actors in the field of border management
- Chapter on intra-service cooperation
- Chapter on international cooperation

It should be ensured that the parts that are developed by individual agencies follow the same structure and also contain an identical level of detail.

It cannot be stressed often enough that the final result has to be a jointly developed document that **adequately reflects the ideas and needs of all border agencies**. Strategies that only respond to the needs of one of the agencies and do not contain a part on inter-agency cooperation may be considered useful sector-specific strategies, but will remain outside the realm of IBM.

Once the draft of the IBM strategy is completed, it should be circulated to all relevant stakeholders for comments, which need to be officially accepted in a joint session.

The template in chapter V.1.3 provides a possible outline for an IBM strategy and also describes the content of the individual chapters.

Adoption and review

Once a consolidated draft of the strategy document exists that represents the positions of all involved agencies, it is submitted for adoption to the decision-making body, which forwards the final document according to the appropriate legislative process for **official adoption by the Government**. Once adopted, the strategy should be sent to all stakeholders for reference.

It is proposed that, after the finalisation of the strategy, the process of development of an action plan is started immediately, since otherwise precious time may be lost. As the action plan complements the strategy, it is also possible to submit both documents together for governmental adoption.

The strategy document should be **reviewed periodically**, for example, every three to four years, and amended accordingly to reflect national priorities and developments.

V.1.2. Summary

In short, the following key steps are necessary in developing a national IBM strategy:

- Identification of a national co-ordinator
- Identification of and contact with key stakeholders
- Establishment of the co-ordinating bodies (high-level decision-making body and implementing body) with clear ToR
- Definition of the main objectives
- Analysis of the current situation (i.e. gap and needs analysis)
- Drafting of individual strategy chapters
- Circulation of the draft strategy paper for input from all stakeholders
- Preparation of the final strategy document
- Adoption of the strategy at the highest level

V.1.3. Outline of the strategy

The section below describes a possible outline for an IBM strategy with explanations of the contents of each of the proposed chapters in italics. The titles of the chapters merely serve as an example. In order to bring the reader faster to the core of the document (chapter 5), it is advisable to keep chapters 2 and 3 short, putting additional information into annexes.

Executive summary

Chapter 1 Introduction/background/context/preamble
Information on the context of border management, including the concept of IBM, in the country
Overall purpose of the IBM strategy
Expression of commitment to implementation

Chapter 2 Geographical and political characteristics
Length of the border line, number of BCPs, planned changes in the number of BCPs, challenges to border management in the country

Chapter 3 Institutional framework/actors
Main actors involved in border management and their organisational structures, main tasks, recent/planned changes, presence at BCPs

Chapter 4 Coordinating structures
Inter-ministerial coordination mechanisms (high-level coordinating body and implementing body): composition and main tasks (see chapter III.2.2). International and regional mechanisms could also be mentioned

Chapter 5 Strategic goals for the three pillars of IBM
Chapter 5 is the core of the strategy as it is here that the strategic goals are described. It is

divided into sub-chapters according to the three pillars of IBM: intra-service, inter-agency and international cooperation. Each of the sub-chapters should cover the following fields of cooperation:

- *Legal and regulatory framework*
- *Institutional framework*[30]
- *Procedures*
- *Human resources and training*
- *Communication and information exchange*
- *Infrastructure and equipment*

For each field of cooperation, a short description of the existing situation should be given, followed by the strategic objectives in each of the areas. It should be mentioned in the text if goals are short-, medium- or long-term goals. The specific steps towards implementation of the priority goals will be described in the action plan.

Chapter 6 Reviewing, monitoring and evaluation of the strategy
If not described as a task of the co-ordinating structures in chapter 4 of the strategy, the process of regularly reviewing the strategy and monitoring and evaluating its implementation through the action plan, which will also need to be reviewed regularly, should be described here.

Annexes
In order to keep the strategy document short and concise, all information that is not strictly necessary for the formulation of the strategic goals should be included in an annex. Examples would be lists of relevant laws or organisational charts.

V. 2. National action plan

The national IBM action plan "translates" the objectives identified in the strategy into specific actions and related activities.

Based on the specific goals and objectives of the strategy, related **activities and tasks are described together with timelines and the stakeholders responsible for the implementation of the individual activities**. The action plan should also specify the human and financial resources required, as well as identify the evaluation criteria thus providing a baseline against which progress can be assessed. The document should be seen as a flexible working tool that can be modified to reflect changing requirements and new situations. Therefore a regular update, perhaps once every two years, is recommended.

Templates that can be used for the development of an IBM action plan are provided in annex II.

[30] In the previous version of the *IBM Guidelines* this was refereed to as "Management and organisation".

V.2.1. Developing a national action plan

It is assumed that a national co-ordinator has been identified and decision-making and implementing bodies created at the stage of strategy development, and that all key stakeholders have been identified. In order to ensure continuity, it is advisable that the same persons represent the stakeholders as during the strategy development phase.

Even if not all stakeholders need to be directly involved in all the phases of development and implementation of the action plan, it is still important for the long-term viability of the plan to understand who these stakeholders are and what roles and relevance they have in the process, and to ensure that their views and concerns are considered. Involving all stakeholders early on in the process will make it easier to obtaining their full commitment and involvement in the implementation of the action plan.

Ideally, the action plan is drafted in table form in order to provide a good overview as a basis for implementation and monitoring. Templates for such tables, including brief explanations, can be found in chapter V.2.4.

Identification of objectives and indicators
As a first step, the individual **objectives** of the IBM strategy need to be extracted (and in many cases reformulated) to serve as the basis for the action plan.

If the objectives are too ambitious and then not achieved, they run the risk of damaging the overall credibility of the action plan. On the other hand, if the goals are set too low, the plan runs the risk of being seen both locally and internationally as a token effort. To avoid this problem, the development of an action plan will require frequent consultation and cooperation with the stakeholders expected to implement the action plan as well as with those involved in its monitoring and evaluation.

In the next step, criteria ("indicators") have to be identified against it can be determined if the objective has been reached. These indicators should be SMART:

- **S**pecific – what is actually expected to change?
- **M**easurable – how will it be known if the goal has been reached?
- **A**ttainable – is it realistic and likely to be achieved?
- **R**esult-oriented – are the results set meaningful?
- **T**imed – by when can the goals be expected to be achieved?

Good practice

One of the objectives could be, for example, to enable faster crossing of the borders by trucks. A measurable and verifiable indicator would then be a reduction in the average processing time or, even more specifically, that the time a truck on average needs for crossing the border is reduced by x% or to x minutes within the next year.

Identification of specific steps ("actions") to reach the objectives
For each objective a number of actions need to be identified, which, step by step, lead directly to its achievement.

> **Good practice**
> *Several actions could be envisaged that would contribute to achieving the objective of faster crossing of the border by trucks. These could include a reduction in processing times through better coordination between services and a harmonised workflow. A complementary action could be infrastructural changes, such as the introduction of separate lanes for empty trucks.*

Results of an action could be:

- A changed situation on the ground
- Analyses and reports
- Proposals submitted to the decision-making body for decision on further steps to be taken

Indicators for reaching an objective or the completion of an action could be, for example:

- Drafted or adopted laws
- Activities implemented
- A certain number of trainings held/percentage of people trained
- Equipment procured

As the next step the actions identified need to be broken down further into **activities**. These activities also need to be included in the action plan, as well as any necessary comments or clarifications. It should be kept in mind that the adoption and review of the final document will be done by persons who did not take part in its development.

When drafting the action plan it should be ensured that practitioners' concerns are adequately reflected, as much of the implementation will ultimately take place at the operational level, that is, directly at the BCP or in a regional directorate.

Decision on the division of responsibilities and accountability for specific actions
During the next step it will be necessary to clearly identify the service responsible for the implementation of each activity and to list all the stakeholders who need to be consulted during this process.

Timeline and prioritisation
A realistic timeframe should be allotted to each activity: as a first step, the amount of time needed to complete the activity should be estimated and entered into the template as "**duration**". It should be noted that certain activities may also be of a continuous nature, such as the alignment to EU legislation and consequent adaptation of national laws. In such cases, the duration would be "continuous" or, if the implementation of the respective activity has already started, it would be "ongoing".

A proposed starting date for each action or a deadline for its completion should be indicated. Since many of the activities will be interdependent, care should be taken that the **timeline is logical and coherent** not only regarding a certain objective, but throughout the whole action plan. (A graphic portrayal of the respective timelines in spreadsheet format or through project management software could be used for this purpose.)

All timelines need to be realistic and the agencies responsible should not be overburdened with their tasks.

Obtain financial and implementation commitment from key stakeholders
When the action plan is completed, it requires the approval of key decision-makers to secure the necessary human and financial resources as well as institutional support. The national IBM action plan should thus be submitted for adoption to the decision-making body and/or Government after the input of all key stakeholders has been taken into consideration.

While it may not be possible to attribute detailed human and budgetary resource needs to each activity at this point, the decision-making body should nevertheless be provided with an estimate of the costs and benefits for the main stakeholders – this could be a rough estimation as to the manpower and other resources needed. The cost estimate can be revised and detailed resource requirements established after an in-depth analysis as part of the implementation of the action plan.

The need for support from international organisations or experts should also be indicated in order to allow for the initiation of discussions with donors and possible project partners at an early stage. One needs to keep in mind, however, that no obligation can be created for agencies that have not been involved in the development of the action plan.

Good practice

For example, including the following wording in the action plan is not necessarily helpful to the process: "The financial support of international organisation X will be needed for the upgrade of the infrastructure of the BCPs", because this refers to an aim outside of the control of the respective Government. Instead, the following phrase could be used: "Financial support from international donors will be requested for the upgrading of the BCPs."

Only if an international project is about to start or is already ongoing can specific references can be made in the document: "The upgrading of the BCPs will be financed through project Y of international donor A."

V.2.2. Implementing the action plan

The implementing body is responsible for implementation of the action plan under the supervision of the decision-making body. Throughout this process the implementing body should be in contact with experts is all relevant fields, be it on legal issues, technical IT

solutions or other matters. As described in the process of strategy development, such experts could be associated in a flexible manner and called upon on an ad hoc basis to provide input on specific questions, or their support could be institutionalised in sub-working groups on specific topics. Each of these groups should have clear ToR and develop a work plan (see below), reporting regularly to the implementing body on their progress.

Terms of Reference for a sub-working group:
- Context and problem statement
- Expected outcome
- Participants and division of responsibilities
- Tasks
- Methods of work, coordination, reporting and communication
- Decision-making practices
- Monitoring procedures

Work plan for a sub-working group:
- Goals and objectives
- Timelines
- Expected outputs
- Division of responsibilities
- Milestones

The action plan needs to be reviewed regularly, for example, every year, and adjusted to reflect changes in implementation schedule, new requirements or changing situations.

V.2.3. Summary and checklist

In the following chapter an overview of the steps involved in developing and implementing a national IBM action plan is provided.

Development phase of the national action plan:
- Designate a national coordinator or coordinating body
- Extract objectives and respective indicators from the IBM strategy
- Identify specific actions and activities and develop relevant indicators
- Decide on responsibilities for the implementation of specific activities
- Draw up a timeline based on priorities
- Obtain commitment to the action plan and the resulting activities from key stakeholders

Below is a list of questions that the developers of the action plan should ask themselves in order to judge the coherence of the action plan before it is finalised:

- Do the objectives set out in the action plan match the objectives in the national IBM strategy?

- Are clear, transparent, realistic and time-related indicators available for all objectives?
- Do the actions match the objectives?
- Do the activities match the actions?
- Are all relevant activities mentioned?
- Are clear, measurable and verifiable indicators attributed to each action?
- Are responsibilities clearly defined?
- Have all the relevant stakeholders mentioned been involved in the development of the action plan?
- Is the timeline realistic and consistent throughout the action plan?

Implementation phase of the action plan:
- Implement activities according to action plan
- Draw up ToR for the monitoring, evaluation and review of the action plan
- Regularly collect and analyse data regarding the success of the implementation and check if the timeline is being kept or needs to be reviewed
- Evaluation of the impact of the action plan according to Terms of Reference
- Review of the action plan and modifications made to reflect changing situations and priorities according to ToR

V.2.4. Action plan template

Hereafter a template for the IBM action plan is proposed. This template contains a field for each type of information needed for the future implementation and can be adapted to specific national needs. The action plan template below consists of two tables:

- Table 1 names the objective and lists the activities necessary to reach it.
- Table 2 identifies the activities that need to be undertaken for each action.

Table 1
A short description of the context should be given for each objective identified in the national IBM strategy, assessing the current situation and needs resulting from EU or other requirements and good practices. Based on this assessment, actions should be identified that will, if properly implemented, result in attaining the indicators that make each individual objective measurable. Further, Table 1 also indicates all stakeholders who should be involved in successfully reaching the given objective.

Table 2
For each action identified in table 1, a second table – table 2 – should be filled in providing details on the priority and type of action proposed, related activities and results. The agencies responsible, as well as other actors involved, are mentioned. Furthermore, the time needed for completion of the action, as well as its place in the overall timeline of the action plan, is stated. Details on how to fill in table 2 are provided hereafter, as well as an example for both tables. Blank templates for your use can be found in annex II.

Note: It is advisable to number both the objectives and the actions as they will be referred to in discussions among working group members and experts.

TABLE 1

OBJECTIVE 1:		
INDICATORS:		
CONTEXT	**PROPOSED ACTION**	**STAKEHOLDERS**
CURRENT SITUATION What is the current situation in relation to the objective? **REQUIREMENTS AND GOOD PRACTICES** Which requirements need to be met, for example, in relation to international obligations or national policies, and which related good practices are to be incorporated?	1. List the actions proposed – details on each action listed here will be elaborated upon in table 2	Which state or non-state agencies, international organisations and so on. should be included in the discussions on this objective? Again, details per action will be given in table 2.

TABLE 2

ACTION (COPIED FROM TABLE 1)
ACTIVITIES Indicate relevant activities, important remarks/clarifications and things to be kept in mind
PRIORITY High/medium/low
EXPECTED RESULT Expected result of the activity
INDICATORS Measurement of the results achieved
RESPONSIBLE AGENCY Agency/body responsible for attaining the indicators
ACTORS INVOLVED Agencies, other bodies or specific experts to be involved in the activity. Indicate if they should be associated in order to provide their expertise or also to be involved in the decision-making procedure. Also indicate if the support of international experts should be requested and thus funding sought from international donors.
COSTS FOR THE MAIN STAKEHOLDERS Could be different for different agencies Agency *Costs:*
DURATION 1 month, 1 year, …
PROPOSED TIMELINE Starting March 2002; continuous; ongoing … After activity 1, after technical discussions, …
LINKS If the start or successful completion of this activity is dependent on reaching another objective or completion of another action/activity, or the activity should be carried out in parallel to another one, indicate this here in order to keep it in mind while drafting and later updating the timeline. Objective Action, activity Short explanation for the link

V. 3. Monitoring, evaluation and review

In order to determine the success of the national IBM action plan and adjust it to changing priorities and situations, all elements of the plan should be subject to monitoring, evaluation and review on a regular basis. In specific terms, the purpose is to find out whether activities really lead to the expected results and whether those results really contribute to the achievement of the objectives. Based on the results of this analysis, actions and activities may be adapted or objectives reformulated or added. In addition, the IBM strategy should be reviewed at regular intervals.

Summary table of definitions of monitoring, evaluation and review of IBM action plans and strategies

	Monitoring	**Evaluation**	**Review**
Who	IBM implementation body	IBM implementation body with external support	IBM implementation body and decision-making body
When	Ongoing	Periodic: mid-term after completion and upon request	Five years or more
Why	Check progress, take remedial actions, update plans (sub-objectives and activities)	Learn broad lessons, input for policy review (action plan and strategy update)	Adapt the strategy and action plan to changing realities
Link to action plan and strategy	Expected results, activities, indicators, costs	Objectives and results of the action plan, overall objectives of IBM strategies	Whole documents

V.3.1. Monitoring

The IBM implementation body should monitor how operational the action plan is in terms of implementation of activities, delivery and achievement of results, expenditure and resources used and possible risks. This is achieved through a continuous, systematic collection and analysis of information and data. This in turn supports effective decision-making, thus helping to assess whether the set goals have been reached or what is the likelihood of reaching them. Monitoring is thus an important management tool.

At the **operational level**, the input (in terms of human and financial resources) and output (indicators, measurable changes as a result of an activity) of each action should be equally accounted for.

At the **strategic level,** the information on monitoring should be presented in a concise way and include suggestions for necessary adjustments, which may serve as a basis for decision-making.

Sources of data and information may include statistical data and reports as a result of the implementation of project activities or externally produced projects and reports. The information should be collected in a predefined and systematic way on a continuous basis. It is important to note that for certain objectives, for instance, adaptation of legislation to EU requirements and good practices, it is vital, where this has not already been established, to include monitoring mechanisms as an activity.

Guiding questions for monitoring:

- Is the implementation of the activities on time?
- Are the necessary human resources and financial and technical means available to carry out the activities?
- What results have been achieved? Have the results been achieved?
- What other actions/activities would be more conducive to reaching the objective? For this purpose, the factors contributing to or impeding the achievement of the actions and objectives have to be analysed.
- Should the timeframe for the implementation of the activities be extended?

It is advisable to produce regular **monitoring reports** summarising the progress that has been made.

V.3.2. Evaluation

Evaluation is the assessment of the efficiency, effectiveness, impact, relevance and sustainability of the action plan and strategy. When evaluating, the same information that was used for monitoring is used, but with a different focus and complemented with additional information. The purpose of the evaluation is to obtain a more global view of the progress made in the implementation. This is done by comparing the results with the objectives of the action plan and strategy. It is recommended to undertake an independent examination by including external experts in the evaluation.

The results of the evaluation may be used to include lessons learned in the *ensuing* implementation, to indicate possible amendments and to take a changing policy environment into account. **Evaluation reports** may serve as the basis for future decision-making.

Guiding questions include:

- Have the activities led to the anticipated results?
- Has the related objective been achieved? If not, has there been any progress towards achieving it?
- What factors influence the achievement of the results and objectives?

The evaluation should be carried out at periodic intervals, for example, midway through and then after the completion of activities.

V.3.3. Review

Both the **evaluation results and the monitoring data are needed for the review of the action plan and strategy**. The strategy document does not have to be reviewed as frequently as the action plan since national strategies are normally established to cover a longer term of up to five or more years. If the situation in a country or the national priorities change drastically and consequently a great number of objectives in the action plan need to be reviewed, however, this will also affect the national IBM strategy. A **mid-term review of the strategy would** therefore **be advisable** to ensure that the objectives formulated are still valid and realistic. The action plan should, on the contrary, be reviewed at least annually by the implementing body.

If the evaluation shows that the activities have not led to the expected results or objectives, there may be a need to review the actions or the objectives. In addition, the policy environment of the strategy and action plan may have changed, thus requiring a modification of the documents.

Determining the relevance of the objectives and activities of the IBM strategy and action plan is key in the review process. Priorities may have changed or new challenges emerged. Other actions/objectives may already have been reached and can therefore be deleted from the action plan and included in the list of achievements.

As a result of the review process, the first step is to list any necessary amendments or topics to be included in or deleted from the strategy and action plan. This document should be agreed upon by the decision-making body, which can then request the implementing body to elaborate a new version of the two documents.

Questions to be asked in the review process include:

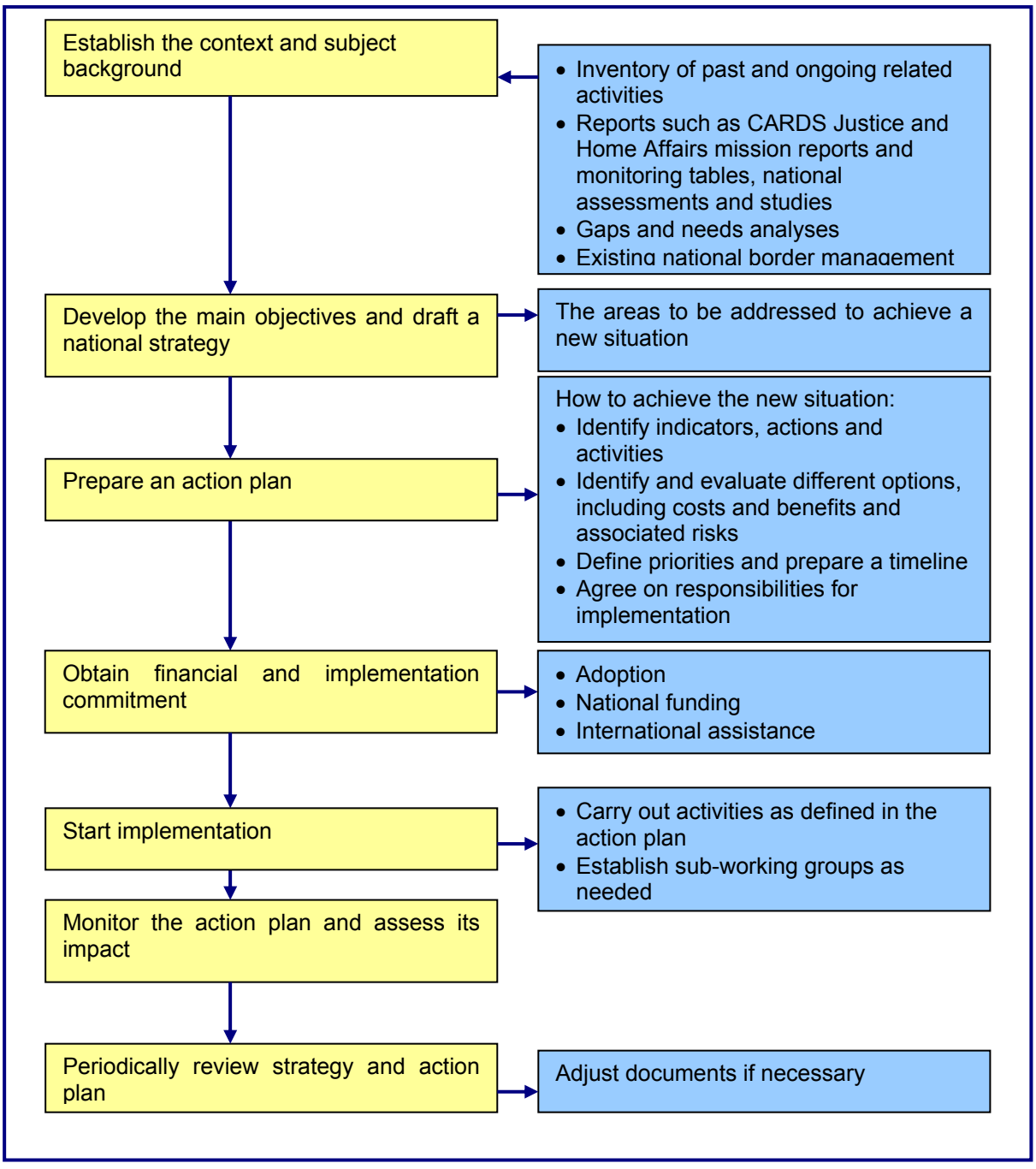
- Are the objectives and activities still relevant?
- Which objectives have been achieved?
- Are there any new challenges?
- Were the goals set too ambitious? Why?
- Should any objectives or indicators be reformulated?

V.3.4. Reporting and delegation of tasks

The implementing body is responsible for providing regular reports to the decision-making body, including monitoring, evaluation and review results. The main stakeholders should be included in the evaluation and review process, which should be conducted with the involvement of outside agencies. The implementing body should draft and submit specific ToR for the approval of the decision-making body, including the timeframe for carrying out monitoring, evaluation and review. The ToR of the implementing body should further establish the frequency with which relevant reports should be delivered to the decision-making body.

V. 4. Overview of the process of development and implementation of the strategy and action plan of the strategy and action plan

The following table is intended to provide a schematic overview of the process of development and implementation of the strategy and action plan. For this purpose, the main steps in the process are listed. Keywords next to each step recall details or activities related to these steps.



LIST OF REFERENCE DOCUMENTS

Commission Directive 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries

Common Manual, published in the *Official Journal* on 16 December 2002 (C 313, pp. 0097 – 0335)

Common Platform of the OHRID Regional Conference on Border Security and Management, 22 and 23 May 2003

Communication from the Commission to the Council and the European Parliament: "Towards integrated management of the external borders of the Member States of the European Union" (COM (2002) 233 final)

Communication from the Commission to the Council and the European Parliament: "Wider Europe – Neighbourhood: a new framework for relations with our Eastern and Southern neighbours" (COM (2003) 104 final)

Communication from the Commission to the Council and the European Parliament: "The Western Balkans and European integration" (COM (2003) 285 final)

Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee: "The role of customs in the integrated management of external borders" (COM (2003) 452 final)

Community Code on the rules governing the movement of persons across-borders (COM (2004) 391 final)

Core curriculum for border police training: report of the Austrian and Swedish delegations to the Strategic Committee on Immigration, Frontiers and Asylum of the Council of the European Union, held in Brussels on 8 May 2003

Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC (*Official Journal*, L 114, 30 April 2002, pp. 0132 – 0368)

Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (*Official Journal,* L 024, 30 January 1998, pp. 0009 – 0030)

Council meeting on external relations, Luxembourg, 16 June 2003: "Thessaloniki agenda for the Western Balkans: moving towards European integration"

Council of the European Union, Working Party on Schengen Evaluation: catalogue of recommendations for the correct application of the Schengen *acquis* and best practices; frontiers + removal and re-admission, 18 February 2002

Council Regulation (EEC) No 339/93 of 8 February 1993 on checks for conformity with the rules on product safety in the case of products imported from third countries (*Official Journal,* L 134, 3 June 1993, pp. 0030 - 0030

Directorate General of Taxation and the Customs Union, Customs Blueprints

Draft Council Conclusions on the role of customs in the integrated management of external borders, 28 October 2003

Draft Council Regulation on local border traffic (COM (2003) 502 final)

Draft Council Regulation on stamping (COM (2003) 664 final)

National Country Strategy Papers and Multi-Annual Indicative Programme 2002 -2006 of the five countries of the Stabilisation and Association process

OHRID Regional Conference on Border Security and Management, 22 and 23 May 2003, "Way forward document"

Proposal for a Council Regulation establishing a European Agency for the Management of Operational Cooperation at the External Borders (COM (2003) 687 final, 11 November 2003)

Proposal of a plan for the management of the external borders of the Member States of the European Union, 12 June 2002

Regional Strategy Paper 2002-2006/Multi-Annual Indicative Programme 2002-2004 (MIP)

Report from the Commission, Brussels, 26 March 2003 (COM (2003) 139 final)

Reports by the Food and Veterinary Office of the Directorate General for Health and Consumer Affairs:

- General Review Report of the missions carried out in Member States concerning Veterinary Checks at Border Inspection Posts 2000–2001 (DG(SANCO)/9001/2002–GR)

- Individual inspection reports: veterinary inspections and phytosanitary inspections, available on the SANCO web site

Stabilisation and Association Process (SAP): Second Annual Report

ANNEXES

ANNEX I. Routing slip (Laufzettel)

Name of BCP to be filled by Boarder Guard Service……. Unique Number…….

A. To be filled by driver Time when filling the form: Vehicle/trailer registration No: Name and family name of driver: (capital letters) Is vehicle carrying any load: If any load, are any dangerous goods included:		Î NO Î NO	Î YES Î YES				
B. To be filled in by Border Guard Service 1. Person – checking of: - travelling documents, driving licenses, ID and visa 2. Vehicles – checking of: registration, insurance, vehicle safety standards, international transport authorization illegal person (not in depth)		Î NO Î NO Î NO	Î YES Î YES Î YES		Start time (1 + 2)	Finish (1 + 2)	Signature (1 + 2)
C. To be filled in by Customs 1. Person – Customs: - checking the luggage 2. Vehicle – Customs: - checking the technical conditions (for customs purposes (sealing etc.) - search for concealed goods, incl. explosives, weapons, weapons of mass destruction and narcotics 3. Vehicle – Border Guard Service - search for concealed explosives, weapons incl. weapons of mass destruction and narcotics		Î NO Î NO Î NO Î NO	Î YES Î YES Î YES Î YES	Î Rdm (complete if yes) Î Rdm (complete if yes) Î Rdm (complete if yes)	(1 + 2) (3)	(1 + 2) (3)	(1 + 2) (3)
D. Reserved for Veterinarian inspection							
E. Reserved for Phyto-sanitarian inspection							
F. Reserved for Market inspection							
G. To be filled in by Customs 1. Load – Customs: - handling and check of documentation - physical inspection, incl. search for explosives, weapons, weapons of mass destruction and narcotics - sampling 2. Load – Border Guard Service - search for illegal persons, explosives, weapons incl. weapons of mass destruction and narcotics		Î NO Î NO Î NO Î NO	Î YES Î YES Î YES Î YES	Î Rdm (complete if yes) Î Rdm (complete if yes)	(1) (2)	(1) (2)	(1) (2)
The vehicle is not permitted to depart from BCP before this "Laufzettel" is handed over to the Customs and departure has been approved by the Customs.					(Time & stamp)		

ANNEX II. Action plan templates

TABLE 1

OBJECTIVE 1:		
INDICATORS:		
CONTEXT	**PROPOSED ACTION**	**STAKEHOLDERS**
CURRENT SITUATION **REQUIREMENTS AND BEST PRACTICES**	1.	

TABLE 2

ACTION 1
TYPE OF ACTION
ACTIVITIES
PRIORITY
EXPECTED RESULT
INDICATORS
RESPONSIBLE AGENCY
ACTORS INVOLVED
COSTS FOR THE MAIN STAKEHOLDERS Agency *Costs:*
DURATION
PROPOSED TIMELINE
LINKS Objective

ANNEX III. 5X5 Standardised information sheet

COLLATION, EVALUATION AND DISSEMINATION

This is the basic principle of capturing, evaluating and disseminating information, and turning that information into Intelligence, which can be most effectively distributed to Operational staff. To this end the following forms, and guidance notes, have been designed to most efficiently capture and evaluate that information:

3.1.1 **The Intelligence Report which incorporates not only the capture of the information, but also the evaluation of that Intelligence, using the 5 x 5 system.**

3.1.2 **The Intelligence Report will be completed by the Officer receiving the information, and will act as the document for input on to the database. This Report will be completed as soon as possible by the recipient, and passed to the Risk Analyst in the team, for entry to the database. Box "S" on the form is for Source evaluation, and Box "I" for Intelligence evaluation.**

3.1.3 **Each "separate" piece of information on the form will be coded, under the 5 x 5 system, by the Officer completing the form, and this will also be entered on to the database. This will in turn act as a future reference to other officers who will be able to know the source, and Intelligence, evaluation at time of capture. They will also be able to link this information into any future intelligence received on the subject.**

3.1.4 **This type of Intelligence having been entered to the database will generate an Intelligence Report for transmission to the Central Intelligence system, and to other stations that could have an interest.**

3.1.5 **It is important this information is entered promptly, and correctly, to the database, and that the Intelligence form is generated at the same time, so that it can be added to any Intelligence already held.**

3.1.6 **Having completed the form, and entering the data, it will be given a reference number as generated by that database. The form will be cross - referenced and filed in a secure location. This form, together with other forms completed and documents held, will form the basis of the Intelligence package which will be held and controlled by the Risk Manager.**

3.1.7 **Source Evaluation is the coding given by the recipient of the information as to the reliability, in their opinion, regarding the source of the information. This will be based on their past experience, and knowledge, of the source and will range from Always Reliable, through Unreliable to Untested.**

3.1.8 **Reproduced at Appendix C. is the guide for the evaluation of the intelligence itself, and again will be completed by the recipient of the information. This will range from Known to be fact without Reservation, through to false or malicious information. Again examples of each category are given in the guidelines.**

3.1.9 **The completion of the Database(s) will be completed by the Risk Management Unit.**

INTELLIGENCE REPORT

ORGANISATION and OFFICER:		**DATE / TIME OF REPORT:**	

SOURCE :		**REF. No:**	

SOURCE EVALUATION	**A** Always Reliable	**B** Mostly reliable	**C** Sometimes reliable	**D** Unreliable	**E** Untested source

INTELLIGENCE EVALUATION	**1** Known to be true without reservation	**2** Known personally to source but not to officer	**3** Not personally known to source but corroborated	**4** Cannot be judged	**5** Suspected to be false or malicious

REPORT	**EVALUATION**		
TEXT	**S**	**I**	

SENT TO RISK ANALYST: YES / NO. DATE:

DISSEMINATION TO: DATE: Are the Evaluation codes correct? YES / NO **CARINA DATABASE COMPLETED? YES / NO**	**Signature / Originator:**

THE 5 x 5 INTELLIGENCE EVALUATION SYSTEM

1. EVALUATION OF THE SOURCE.

The source should be evaluated using the alphabetical categories listed below. In practice, however, very few sources will be graded as 'A'. In the 5x5 evaluation system, 'untested source' and 'unreliable source' have been differentiated. The categories are:

A = ALWAYS RELIABLE.

An individual who, in the past, has proved to be reliable in all instances has supplied where there is no doubt of the authenticity, trustworthiness and competence of the source, or the information. Examples of this might include information known directly to other Law Enforcement Officers, or where information in the past has always been 100% accurate.

B = MOSTLY RELIABLE.

Sources where information in the past has, in the majority of instances, proved to be reliable. Examples might include contacts, and informants, whose information has proven correct the vast majority of times, but not enough to be graded 'A'.

C = SOMETIMES RELIABLE.

Sources where information in the past, in the majority of instances, has proved unreliable. Some information has in the past proved correct, but in the majority of times has been incorrect. The information should not be acted upon without further corroboration, or checks.

D = UNRELIABLE.

Examples of this type of information might include individuals, who have routinely proven unreliable in the past, or there is some doubt about the authenticity, trustworthiness or competency, for example the information has been passed through a number of sources.

E = UNTESTED SOURCE.

This does not necessarily mean that the information is unreliable but should nonetheless be treated with caution. Corroboration should be sought.

2. EVALUATION OF THE INTELLIGENCE.

- The intelligence itself should be evaluated using the numerical categories listed below. It is important that such an assessment should be as accurate as possible, since it may be necessary to defend such action taken on the basis of intelligence.
- In the 5 x 5 system a fifth evaluation category is included for material, which is suspected to be false, or malicious. The categories for use are:

1. KNOWN TO BE TRUE WITHOUT ANY RESERVATION.

- Examples might include events witnessed by a Law Enforcement officer. In the use of technical aids, care should be taken that whilst it will be an accurate record of what an officer heard, the intelligence itself may still not be accurate, for example the source may be repeating hearsay, or lying.

2. THE INFORMATION IS KNOWN PERSONALLY TO THE SOURCE BUT NOT KNOWN PERSONALLY TO THE REPORTING OFFICER.

3. THE INFORMATION IS NOT KNOWN PERSONALLY TO THE SOURCE BUT IS CORROBORATED BY INFORMATION THAT IS ALREADY RECORDED.

4. THE INFORMATION IS NOT KNOWN PERSONALLY TO THE SOURCE AND IT CANNOT BE CORROBORATED IN ANY WAY.

5. SUSPECTED TO BE FALSE OR MALICIOUS.

Action should be taken with extreme care, and corroborated by a more reliable source. Collating this type of information may prove useful in judicial cases e.g. why an informant should be treated as unreliable. Whilst it may be desirable to record such intelligence, it must be correctly and clearly graded and assessed for the potential risks arising from its inclusion.

ANNEX IV. The four tiers[31]

An overall border model is an important tool to safeguard internal security and in particular prevent illegal immigration. It means in simplified terms that a set of complementary measures has to be implemented on different tiers. In this respect four tiers can be identified.
(1) Activities in third countries, especially in countries of origin and transit, including the collection of information by liaison officers as well as the key role of the consular post abroad in the process of issuing visas.
(2) International border cooperation.
(3) Measures at external borders: border management (border checks and border surveillance).
(4) Further activities inside the territory of the Schengen States and between Schengen States.
The coherence between these measures and the way they are applied by Schengen States is a key to the success of the general border model.

1. Activities in third countries, in countries of origin and transit
(a) The first measure required in terms of time and place is advice from liaison officers and document experts in third countries of origin or transit which are the source of the risks generated by illegal immigration (Article 47 (4) of the 1990 Convention implementing the Schengen Agreement (hereafter the "Schengen Convention") and SCH/Com-ex (98) 59 rev). Officials working abroad for the Schengen States' consular posts and carriers will be trained by specialists in order to detect document forgeries before actual travel has started.

When visas are issued and when passengers are transported by air and sea, it is of great importance to detect false and falsified documents in order to prevent unauthorised entry into the territory of the Schengen States. The training given by document advisers makes a vital contribution to the detection of such forgeries by officials working for the Schengen States' consular posts and for carriers.

(b) In the second stage, a thorough inspection of the application documents submitted should be carried out by the Schengen States' consular representations when issuing visas (see Articles 15 and 17 of the Schengen Convention and the provisions of the Common Consular Instructions on Visas). This includes inspecting documents and making database queries pursuant to Article 96 of the Schengen Convention. Consulates should guarantee that sensitive information and blank documents are adequately protected and stored.

The systematic implementation of EC/Schengen visa regulations should enable the phenomenon of illegal immigration to be effectively tackled at its roots. The importance of intensive consular cooperation should be stressed in that context.

(c) Carriers are also obliged pursuant to national legislation on the basis of Article 26(1) (b) of the Schengen Convention to take all necessary measures to ensure that third-country nationals carried by air, sea or land, (see Article 26(3) of the Schengen Convention), have the travel documents necessary for entry into the territory of the Schengen States. If third-country nationals are set down in a Schengen State without the prescribed documents, the carriers will be subject to sanctions and compelled in principle to take back those

[31] EU Schengen Catalogue: External Border Control, Removal and Re-admission. February 2002. Page 12-15.

passengers. Staff of carriers should be trained. This article of the Schengen Convention has been supplemented by Directive 2001/51/EC of 28 June 2001. L 187, 10.7.2001, p. 45.

2. Bilateral and international border Cooperation

(a) International cooperation in the field of border security can be divided into multilateral, bilateral and local cooperation. In this respect, agreements with neighbouring countries on the cooperation in the field of border management are an efficient tool to increase border security. This can be realised by establishing appropriate working mechanisms such as exchange of information, establishing appropriate communication channels, local contact points, emergency procedures, handling incidents in an objective manner in order to avoid political disputes, etc.

Regional cooperation structures across external borders should also be established in sea areas. These initiatives should bring together all countries in the region.

(b) As regards cooperation with adjacent states, it is considered necessary that transit states lend their active assistance by ensuring that their borders are thoroughly secure and by taking measures away from the border, i.e. consistent repatriation practice. if there is no right of admission and there are no impediments based on serious humanitarian grounds or international law (e.g. the Geneva Convention relating to the Status of Refugees, European Convention on Human Rights).

3. Measures at the external borders

The core area of general border strategy is a functioning border management consisting of border checks and border surveillance, based on a risk analysis. Article 6 of the Schengen Convention sets out clearly the framework to be implemented by the Common Manual, the two being complementary. Essential elements of border management are: (1) that all persons crossing the external borders are checked systematically and (2) effective border surveillance is ensured between border crossing points.

In this respect all appropriate measures should be taken in order to safeguard internal security and prevent illegal immigration:

Coherent **legislation** based on the EC/Schengen requirements in the area of border management is needed (for example: border guard act, data protection rules). With regard to **infrastructure,** appropriate facilities for carrying out border checks and surveillance have to be available. Officials carrying these tasks have to be professional and specially trained. Adequate human resources are required. Exact requirements depend on several factors (geographical situation, volume of border traffic, etc.). Moreover, a clear concept of **training** (basic and further) is required covering operational skills, knowledge of legislation, languages, etc.

Equipment should be appropriate to the border situation. Functioning **internal coordination** is needed at all levels (which authorities are competent for which task, no competence "black holes"). Information exchange between competent authorities (border guard, customs, police, judicial authorities, prosecutors) is essential, including a mechanism to solve possible disputes of competence between the authorities. Furthermore, operational issues should be covered (for example use of compatible communication equipment).

Agreed **international/bilateral cooperation** should be implemented in practice on the spot (examples: exchange of information, joint controls, handling of re-admission situations). **The special requirements for the three different types of border** (air, sea, land) should be fulfilled (for example: at airports a separation of passenger flows. extra Schengen and intra Schengen flights. should be made by physical means or, for minor airports, by a systematically monitored and accompanied flow of passengers).

4. Further activities inside the territory of the Schengen States

(a) Measures to prevent illegal immigration and cross-border crime should be pursued inside the territory of the Schengen States by enhanced search, checks and surveillance measures based on national information and in accordance with national law, where possible on the basis of police cooperation agreements pursuant to Article 39(4) and (5) of the Schengen Convention. Given that the problems of migration and crime are not subject to geographical restrictions, international traffic routes should in future become main areas of activity for national police forces in accordance with domestic law. However, where public policy or national security so require, a Schengen State may, after consulting the other Schengen States, decide that for a limited period national border checks appropriate to the situation shall be carried out at internal borders.

(b) The last stage in the geographical and time sequence is repatriation in accordance with national law (see Article 23 of the Schengen Convention and Directive 2001/40/EC of 28 May 2001 - L 149, 2.6.2001, p. 34) of third-country nationals who have entered the Schengen territory without authorisation, if no right to stay exists and if there are no obstacles based on compelling humanitarian grounds or international law (e.g. the Geneva Convention on Refugees, European Convention on Human Rights).

ANNEX V. Notification form (border phytosanitary inspections)

EN

NOTIFICATION OF PLANTS, PLANT PRODUCTS, OTHER OBJECTS OR HARMFUL ORGANISM PRESENTING AN IMMINENT PHYTOSANITARY DANGER

1. Consignor	2. Interception file
a. Name :	a. National Reference Number :
b. Address :	Consignment from : ……..
c. Country :	Request for message to be sent: [ ] to Members States [ ] to EPPO
3. Consignee	4. Envelope
a. Name :	a. Plant protection organisation of : b. To :
b. Address	5. Export a. Exporting Country : b. Place of export :
c. Country :	6. Origin
d. Destination Country: e. Destination Place:	a. Country of origin : b. Place of origin :
7. Transport	9. Identification of Consignment
a. Mode(s) of transport :	a. Type of document :
b. Mean(s) of transport :	b. Document number :
c. Identification(s) :	c. Country of issue :
8. Point of Entry a. POE's Country :	d. Place of issue : e. Date of issue :
b. POE's Place :	

10 Description of the intercepted part of the consignment	11. Net Mass/Volume/Number of units in consignment : a. MVN :
a. Type of package(s)/container(s) :	b. Unit of measure :
b. Distinguishing mark(s) of package(s)/container(s):	12. Net Mass/Volume/Number of units in intercepted part : a. MVN :
c. Number(s) on package(s)/container(s):	b. Unit of measure :
d. Plant, plant product or other object :	13. Net Mass/Volume/Number of units in contaminated part : a. MVN :
e. Class of commodity :	b. Unit of measure : []
14. Reasons for interception a. Reason :	
b. Scientific name of the harmful organism :	
c. Extent of contamination :	

15. Measure(s) taken on consignment a. Measure : b. Extent of measure : QUARANTINE IMPOSED c. Quarantine Begin date : d. Quarantine Anticipated end date : e. Quarantine End date : f. Country of Quarantine : g. Place of Quarantine:	16. Free Text
17 Information on the interception	18. Sender of the message
a. Place/Check point :	a. Official service : b. Official stamp :
b. Official service :	c. Person responsible for the file :
c. Date :	d. Date :

AL

NJOFTIM PER BIMET, PRODUKTET BIMORE DHE OBJEKTE TE TJERA, OSE PER ORGANIZMA TE DEMSHEM QE PARAQISIN RREZIKSHMERI TE SHPEJTE FITOSANITARE

1. Dërguesi	2. Dosja e interceptimit
a. Emri :	a. Numri Kombëtar i Referencës :
b. Adresa :	Dërgesë nga : ……..
c. Shteti :	Kërkesë për mesazh për t'u dërguar në: [ ] Shtetet Anëtare [ ] EPPO:
3. Marrësi :	4. Zarfi
a. Emri :	a. Organizata e Mbrojtjes së Bimëve e : b. I dërgohet :
b. Adresa	5. Eksport a. Shteti eksportues : b. Vendi i eksportit :
c. Shteti :	6. Origjina
d. Shteti i Destinacionit: e.Vendi i Destinacionit:	a. Shteti i origjinës : b. Vendi i origjinësss :
7. Transporti	9. Identifikimi i Ngarkesës
a. Mënyra(t) e transportit :	a. Tipi i dokumentit :
b. Mjeti/mjetet e transportit :	b. Numri i dokumentit :
c. Identifikimi/identifikimet :	c. Shteti i lëshimit të dokumentit :
8.Pika e Hyrjes a. Shteti i Pikës së Hyrjes :	d. Vendi i lëshimit : e. Data e lëshimit :
b. Vendi i Pikës së Hyrjes :	

10 Përshkrimi i pjesës së interceptuar të ngarkesës	11. Masa/Vëllimi/Numri i njësive Neto i ngarkesës : a. MVN :
a. Tipi i amballazhimit/amballazhimeve/kontenieri/kontenierët :	b. Njësia e masës :
b. Shenja dalluese të amballazhimit/kontenierit:	12. Masa/Vëllimi/Numri i njësive Neto në pjesën e interceptuar : a. MVN :
c.Numri i amballazhimit/kontenierit:	b. Njësia e masës :
d. Bima, Produkti bimor, ose objekti tjetër:	13. Masa/Vëllimi/Numri i njësive Neto në pjesën e kontaminuar : a. MVN :
e. Cilësia e produktit:	b. Njësia e masës : []

14. Arësyeja e interceptimit a. Arësyeja :
b. Emërtimi shkencor i organizmit të dëmshëm:
c. Shtrirja e kontaminimit :

15. Masa(t) e marra për ngarkesën a. Masa : b. Shtrirja e masës: KUARANTINA E VENDOSUR c. Kuarantina fillon më datë : d. Parashikimi i datës së përfundimit të kuarantinës : e. Data e përfundimit të kuarantinës : f. Shteti i Kuarantinës : g. Vendi i Kuarantinës :	16. Tekst i lirët
17 Informacion mbi interceptimin	18. Dërguesi i mesazhit
a.Vendi/Pika e Kontrollit :	a. Shërbimi zyrtar : b. Vula zyrtare :
b. Shërbimi zyrtar :	c. Personi përgjegjës për dosjen :
c. Data :	d. Data :

BA

NOTIFIKACIJA O BILJKAMA, BILJNIM PROIZVODIMA, OSTALIM OBJEKTIMA ILI ŠTETNIM ORGANIZMIMA KOJI PREDSTAVLJAJU NEPOSREDNU FITOSANITARNU OPASNOST

1. Pošiljatelj	2. Dosje o presretanju (intercepciji)
a. Ime :	a. Državni referentni broj :
b. Adresa :	Pošiljka iz : ……..
c. Zemlja :	Zahtjev za porukom poslati:
3. Primnatelj	4. Koverta
a. Ime :	a. Organizacija za zaštitu bilja iz :
b. Adresa:	5. Izvoz a. Zemlja izvoza :
c. Zemlja :	6. Porijeklo
d. Zemlja odredišta:	a. Zemlja porijekla :
7. Transport	9. Identifikacija pošiljke
a. Način(i) transporta :	a. Tip dokumenta :
b. Sredstva(a) transporta :	b. Broj dokumenta :
c. Identifikacija(e) :	c. Zemlja izdavanja :
8. Tačka ulaza	d. Mjesto izdavanja : e. Datum izdavanja :
b. Mjesto TU :	

10 Opis presretnutog dijela pošiljke	11. Neto masa/obim/broj jedinica u pošiljci : a. MVN :
a. Tip ambalaže(a)/kontejner(i) :	b. Jedinica mjerenja :
b. Razaznavajuće obilježje(a) ambalaže(a)/kontejnera:	12. . Neto masa/obim/broj jedinica u presretnutom dijelu :
c. Broj(evi) na ambalaži(ama)/kontaejneu(ima):	b. Jedinica mjerenja :
d. Biljka, biljni proizvod ili ostali objekti :	13. . Neto masa/obim/broj jedinica u kontaminiranom dijelu :
e. Vrsta artikla :	b. Jedinica mjerenja :

14. Razlozi za intercepciju (presretanje) a. Razlog :
b. Naučno ime štetnog organizma :
c. Nivo kontaminacije :

15. Mjera(e) poduzeta(e) na pošiljci a. Mjera : b. Nivo kontaminacije: KARANTENA NAMETNUTA c Datum početka karantene:	16. Slobodan tekst
17 Informacija o karanteni	18. Pošiljaltelj poruke
a. Mjesto/Kontrolna točka :	a. Zvanična služba : b. Zvanični pečat :
b. Zvanična služba :	c. Odgovorna osoba za dosje :
c. Datum :	d. Datum :

HR

OBAVIJEST O BILJU, BILJNIM PROIZVODIMA, DRUGIM PREDMETIMA ILI ŠTETNOM ORGANIZMU KOJI PREDSTAVLJAJU NEPOSREDNU FITOSANITARNU OPASNOST

1. Pošiljatelj	2. Evidencija o zadržavanju
a. Naziv :	a. Broj obavijesti:
b. Adresa :	Pošiljka iz: ……..
c. Zemlja:	Zahtjev za prosljeđivanje obavijesti: [ ] državama članicama EU-a [ ] EPPO-u
3. Primatelj	4. Omot
a. Naziv :	a. Služba za zaštitu bilja: b. za :
b. Adresa:	5. Izvoz a. Zemlja izvoznica: b. Mjesto izvoza:
c. Zemlja:	6. Podrijetlo
d. Zemlja odredište: e. Mjesto odredišta:	a. Zemlja podrijetla: b. Mjesto podrijetla:
7. Prijevoz	9. Identifikacija pošiljke
a. Način prijevoza:	a. Vrsta dokumenta:
b. Prijevozno(-a) sredstvo(-a):	b. Broj dokumenta:
c. Oznaka(-e) :	c. Zemlja izdavanja:
8. Mjesto ulaska a. Zemlja ulaska :	d. Mjesto izdavanja: e. Datum izdavanja:
b. Mjesto ulaska:	

10 Opis zadržanog dijela pošiljke	11. Neto težina/volumen/broj jediničnih pakiranja u pošiljci: a. TVB:
a. Vrsta pakiranja/kontejnera:	b. Mjerna jedinica:
b. Prepoznatljive oznake na pakiranju/kontejneru:	12. Neto težina/volumen/broj jediničnih pakiranja u zadržanom dijelu: a. TVB:
c. Broj pakiranja/kontejnera:	b. Mjerna jedinica:
d. Bilje, biljni proizvodi ili drugi predmeti:	13. Neto težina/volumen/broj jediničnih pakiranja u zaraženom dijelu: a. TVB:
e. Robna skupina:	b. Mjerna jedinica: []

14. Razlog/razlozi zadržavanja a. Razlog:
b. Znanstveni naziv štetnog organizma:
c. Opseg zaraze:

15. Poduzete mjere u svezi s pošiljkom a. Mjere: b. Opseg mjera: UVEDEN KARANTENSKI NADZOR c. Datum početka karantene: d. Predviđen datum završetka karantene: e. Stvarni datum završetka karantene: f. Zemlja karantene: g. Mjesto karantene:	16. Napomene
17 Informacija o zadržavanju	18. Pošiljatelj obavijesti
a. Mjesto/mjesto pregleda:	a. Nadležna služba: b. Službeni pečat:
b. Nadležna služba:	c. Osoba odgovorna za predmet:
c. Datum:	d. Datum:

SR

ОБАВЕСТ О БИЉКАМА, БИЉНИМ ПРОИЗВОДИМА ИЛИ ДРУГИМ ПРЕДМЕТИМА, ТЕ ШТЕТНИМ ОРГАНИЗМИМА КОЈИ ПРЕДСТАВЉАЈУ НЕПОСРЕДНУ ФИТОСАНИТАРНУ ОПАСНОСТ

1. Пошиљалац:	2. Број предмета о пресретању:
a. Име:	a. Државни референтни број :
b. Адреса :	Пошиљка од: ……..
c. Држава :	Захтев за поруку послати: [ ] државама чланицама [ ] to ЕППО
3. Прималац:	4. Коверта:
a. Име :	a. Организација за заштиту биља : b. Прима :
b. Адреса:	5. Извоз a. Земља извозница : b. Место извоза :
c. Држава :	6. Порекло:
d. Држава одредиште: e. Место одредишта:	a. Држава порекла : b. Место порекла :
7. Транспорт	9. Идентификација пошиљке
a. Начини превоза :	a. Врста документа :
b. Начин превоза :	b. Број документа :
c. Идентификација :	c. Држава која је издала:
8. Место уласка a. ПОЕ Држава :	d. Место издавања : e. Датум издавања :
b. ПОЕ Место :	

10 Опис дела пошиљке који је пресретнут	11. Нето маса/Запремина/Количински број јединица : a. МВН :
a. Врста паковања/контејнер :	b. Мерна јединица :
b. Ознака за разликовање пакета/контејнера:	12. Нето маса/Запремина/Број јединица у пресретнутом делу : a. МВН :
c. Број пакета/контејнера:	b. Мерна јединица :
d. Биље, биљни производи и други предмети :	13. Нето маса/Запремина/Број јединица у зараженом делу: a. МВН :
e. Класа робе :	b. Мерна јединица :

14. Разлог пресретања a. Разлог :
b. Научно име штетног организма :
c. Ширина заразе :

15. Мерења извршена на роби: a. Мерење : b. Ширина мерења : ПРИМЕЊЕНЕ КАРАНТИНСКЕ МЕРЕ: c. Датум почетка карантина : d. Очекивани датум завршетка карантина : e. Датум завршетка карантина : f. Држава карантина : g. Место карантина:	16. Белешке
17 Информација о пресретању	18. Пошиљалац поруке:
a. Место/Надзорна тачка :	a. Званична служба : b. Званични печат :
b. Званична служба :	c. Лице задужено за предмет :
c. Датум :	d. Датум :

МК

ИЗВЕСТУВАЊЕ ЗА РАСТЕНИЈАТА, БИЛНИТЕ ПРОИЗВОДИ, ДРУГИ ПРЕДМЕТИЛИ ШТЕТНИ ОРГАНИЗМИ КОИ ПРЕТСТАВУВААТ НЕПОСРЕДНА ФИТОСАНИТАРНА ОПАСНОСТ

1. Испраќач	2. Акт за пресретнување
а. Име	а. Национален референтен број:
б. Адреса	Пратка од: ……..
ц. Држава	Барање за праќање порака: [ ] во државите членки [ ] во ЕППО
3 Примач	4. Паковање
а Име	а. Организација за заштита на растенијата од: б. Во:
б. Адреса	5. Извоз а. Држава извозник: б. Место на извоз:
ц. Држава	б. Потекло
д. Држава на дестинација е. Место на дестинација	а. држава на потекло: б. место на потекло:
7. Превоз	9. Идентификација на пратката
а. Начин на превоз	аа Вид на документ:
б. Превозно средство	б. Број на документ:
ц. Идентификација	ц. Држава на издавање:
8 Точка на влез а Држава на влез	д. Место на издавање: е. Дата на издавање:
б. Место на Влез	

10. Опис на делот на пратката кој е пресретнат	11. Нето маса/Волумен/Број на единици во пратката: а МВБ:
а. Начин на пакување / контејнер:	б. Мерна единица:
бПосебни ознаки на пакувањето / контејнер:	12. Нето маса/ВолуменБрој на единици во делот кој е пресретнат : а. МВБ:
ц. Број на пакувањето / контејнер:	б. Мерна единица:
д. Билки,билни производи или други предмети:	13. Нето маса/Волумен/Број на единици во контаминираниот : а. МВБ:
е. Класа на стоката:	б. Мерна единица: []

14 Причина за пресретнување а. Причина:
б Научно име на штетниот организам:
ц. Раширеност на контаминацијата:

15. Мерки превземени во врска со пратката а. Мерка: б. Распространетост на мерката: НАМЕТНАТ КАРАНТИН ц. Датум на почеток на карантинот: д. Предвиден датум за завршеток на карантинот: е. Датум на завршување на карантинот: ф. земја на карантинот: г. Место на карантинот:	16. Слободен текст
17. Информациај за пресретнување	18Испраќач на пораката
а. Место/Контролна точка:	а. Служба: б. Службен печат:
б. Служба:	ц. Лице одговорно за актот:
ц. Дата:	д. Дата:

ANNEX - Legend of Box 15

MEASURE / MASA / MJERE / MJERA / MEPE / МЕРКАТА :

Code	*Description (English)*	*(Shqip)*	*(Bosanski)*	*(Hrvatski)*	*(Српски)*	*(Македонски)*
!!	! OTHERS	! TE TJERA	! DRUGO	! OSTALI	ДРУГО	ОСТАНАТИ
01	REQUEST FOR APPROPRIATE DOCUMENTS	KERKESE PER DOKUMENTET E DUHURA	ZAHTJEV ZA ODGOVARAJUĆIM DOKUMENTIMA	ZAHTJEV ZA ODGOVARAJUĆIM DOKUMENTIMA	ЗАХТЕВ ЗА ОДГОВАРАЈУЋИМ ДОКУМЕНТИМА	БАРАЊЕ ЗА СООДВЕТНИ ДОКУМЕНТИ
02	DESTRUCTION	ASGJESIM	UNIŠTAVANJE	UNIŠTAVANJE	УНИШТЕЊЕ	УНИШТУВАЊЕ
03	ENTRY REFUSAL	REFUZIM HYRJEJE	ODBIJENICA ULASKA	ZABRANA UNOŠENJA	ЗАБРАНА УЛАСКА	ЗАБРАНА НА ВЛЕЗ
04	REMOVAL OF THE CONTAMINATED PRODUCTS	ZHVENDOSJE E PRODUKTEVE TE KONTAMINUARA	UKLANJANJE KONTAMINIRANIH PROIZVODA	UKLANJANJE ZARAŽENIH PROIZVODA	УКЛАЊАЊЕ ЗАРАЖЕНИХ ПРОИЗВОДА	ОТСТРАНУВАЊЕ НА КОНТАМИНИРАНИТЕ ПРОИЗВОДИ
05	QUARANTINE IMPOSED	KUARANTINA E VENDOSUR	KARANTENA NAMETNUTA	UVEDENA KARANTENA	ПРИМЕЊЕНИ КАРАНТИН	НАМЕТНАТ КАРАНТИН
06	TEST IN LABORATORY OF THE CONTAMINATED PRODUCTS	ANALIZE NE LABORATOR E PRODUKTEVE TE KONTAMINUARA	TEST KONTAMINIRANIH PROIZVODA U LABORATORIJI	LABORATORIJSKO TESTIRANJE ZARAŽENIH PROIZVODA	ЛАБОРАТОРИЈСКИ ПРЕГЛЕД ЗАРАЖЕНИХ ПРОИЗВОДА	ЛАБАРАТОРИСКО ТЕСТИРАЊЕ НА КОНТАМИНИРАНИТЕ ПРОИЗВОДИ
07	APPROPRIATE TREATMENTS	TRAJTIMET E DUHURA	ODGOVARAJUĆA OBRADA	ODGOVARAJUĆI POSTUPCI TRETIRANJA	ОДГОВАРАЈУЋИ ТРЕТМАН	СООДВЕТНА ПОСТАПКА
08	RELEASE OF THE CONSIGNMENT	LIRIMI I NGARKESES	PROPUŠTANJE POŠILJKE	PUŠTANJE POŠILJKE	ОТПУШТАЊЕ РОБЕ	ИСПРАЌАЊЕ НА ПРАТКАТА
09	DEPOSIT	DEPOZITA	DEPOZIT	DEPOZIT	ДЕПОЗИТ	ДЕПОЗИТ
10	INDUSTRIAL PROCESSING	PERPUNIMI INDUSTRIAL	INDUSTRIJSKA OBRADA	INDUSTRIJSKA OBRADA	ИНДУСТРИЈСКА ОБРАДА	ИНДУСТРИСКА ОБРАБОТКА
11	REQUEST TO COMPLY WITH E.U. LEGISLATION	KERKESE PER PERPUTHSHMERI ME LEGJISLACIONIN E BE-së	ZAHTJEV ZA ISPUNJAVANJEM E.U. LEGISLATIVE	ZAHTJEV ZA UDOVOLJAVANJEM ZAKONSKIM PROPISIMA EU-A	ЗАХТЕВ ЗА ПОСТУПАЊЕМ У СКЛАДУ СА ЕУ ЗАКОНОДАВСТВОМ	БАРАЊЕ ЗА ЗАДОВОЛУВАЊЕ НА ЗАКОНСКИТЕ ПРОПИСИ НА ЕУ
12	TO INFORM THE IMPORTER	PER TE INFORMUAR IMPORTUESIN	OBAVIJESTITI UVOZNIKA	OBAVIJESTITI UVOZNIKA	ОБАВЕСТИТИ УВОЗНИКА	ИЗВЕСТУВАЊЕ НА УВОЗНИКОТ
13	NO MEASURE TAKEN UNDER SUPERVISION OF P.P.S.	ASNJE MASE E MARRE NEN MBIKQYRJEN E P.P.S.	NIKAKVE MJERE NISU PODUZETE POD NADZOROM P.P.S.	NISU PODUZETE MJERE POD NADZOROM S.Z.B.-A	МЕРЕ НИСУ ПОДУЗЕТЕ ПОД НАДЗОРОМ ППС-А	НИКАКВА МЕРКА НЕ Е ПРЕВЗЕМЕНА ПОД НАДЗОР НА П.П.С.
14	GRANTING OF A SPECIAL IMPORT AUTHORIZATION	DHENIE E NJE AUTORIZIMI TE VEÇANTE IMPORTI	IZDAVANJE POSEBNE DOZVOLE O UVOZU	DOBIVANJE POSEBNOG DOPUŠTENJA ZA UNOŠENJE	ОДОБРАВАЊЕ СПЕЦИЈАЛНЕ ДОЗВОЛЕ ЗА УВОЗ	ОДОБРЕНИЕ НА ПОСЕБНА УВОЗНА ДОЗВОЛА
15	RE–EXPORT	RIEKSPORTIM	RE-IZVOZ	REEKSPORT	РЕ-ИЗВОЗ	РЕ-ЕКСПОРТ
16	EXTENSIVE EXAMINATION	EKZAMINIM I PERGJITHSHEM	OPSEŽAN PREGLED	SVEOBUHVATAN PREGLED	ДЕТАЉАН ПРЕГЛЕД	СЕОБФАТЕН ПРЕГЛЕД
??	? UNKNOWN	? I/E PANJOHUR	? NEPOZNATO	? NEPOZNATO	? НЕПОЗНАТО	? НЕПОЗНАТО

Extent of measure / Shtrirja e mases / Opseg mjera / Opseg u kojem se mjera primjenjuje / Ширина предузетих мера / Опсег во кој се применува мерката :

Code	*Description (English)*	*(Shqip)*	*(Bosanski)*	*(Hrvatski)*	*(Српски)*	*(Македонски)*
!	! OTHER	! TE TJERA	! DRUGO	! OSTALO	! ДРУГО	! ОСТАНАТО
1	THE INTERCEPTED PART OF THE CONSIGNMENT	PJESA E INTERCEPTUAR E DERGESES	PRESRETNUTI DIO POŠILJKE	DIO POŠILJKE KOJI JE ZADRŽAN	ДЕО РОБЕ КОЈИ ЈЕ ПРЕСРЕТНУТ	ДЕЛ НА ПРАТКАТА КОЈ Е ПРЕСРЕТНАТ
2	CONTAMINATED PRODUCTS	PRODUKTET E KONTAMINUARA	KONTAMINIRANI PROIZVODI	ZARAŽENI PROIZVODI	ЗАРАЖЕНИ ПРОИЗВОДИ	КОНТАМИНИРАНИ ПРОИЗВОДИ
3	PACKING MATERIAL	MATERIALI AMBALLAZHUES	MATERIJAL ZA PAKOVANJE (AMBALAŽA)	MATERIJAL ZA PAKIRANJE	МАТЕРИЈАЛ ЗА ПАКОВАЊЕ	МАТЕРИЈАЛ ЗА ПАКУВАЊЕ
4	MEANS OF TRANSPORT	MJETET E TRANSPORTIT	SREDSTVA TRANSPORTA	PRIJEVOZNA SREDSTVA	ПРЕВОЗНО СРЕДСТВО	ПРЕВОЗНИ СРЕТСТВА
?	? UNKNOWN	I/E PANJOHUR	? NEPOZNATO	? NEPOZNATO	? НЕПОЗНАТО	? НЕПОЗНАТО